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

2       **11.31 (1) (i)** Candidates for court of appeals judge and candidates for circuit  
3 judge or district attorney in jurisdictions, districts, or circuits that have a population  
4 of more than 500,000, as determined under s. 11.263, \$400,000.

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

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

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

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

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

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

21       **11.31 (1) (p)** Candidates for circuit judge or district attorney in jurisdictions or  
22 circuits that have a population of more than 15,000 but not more than 30,000, as  
23 determined under s. 11.263, \$25,000.

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

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

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

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

12 1. For the following countywide offices:

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

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

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

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

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

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

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

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

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

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- 1 1. \$1,075.
- 2 2. 53.91% of the annual salary for the office sought, rounded to the nearest
- 3 multiple of \$25.
- 4 3. 32.35 cents per inhabitant of the jurisdiction or district, but in no event more
- 5 than \$43,125.

6 SECTION 88. 11.31 (2) of the statutes is amended to read:

7 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general

8 election who files ~~a sworn statement and~~ an application to receive a grant from the

9 Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or

10 authorize total disbursements from the his or her campaign treasury in any

11 campaign to the extent of more than the amount prescribed in sub. (1), adjusted as

12 provided under sub. (9), unless the board determines that the candidate is not

13 eligible to receive a grant, the candidate withdraws his or her application under s.

14 11.50 (2) (h), sub. (3n) or s. 11.50 (2) (i) applies to that candidate, or the board issues

15 a determination under sub. (3r) applicable to the candidate. No candidate for state

16 office at a special election who files ~~a sworn statement and~~ an application to receive

17 a grant from the Wisconsin election campaign fund and an affidavit under sub. (2m)

18 (a) may make or authorize total disbursements from the his or her campaign

19 treasury in any campaign to the extent of more than the amount prescribed under

20 sub. (1), adjusted as provided under sub. (9), for the preceding spring or general

21 election for the same office, unless the board determines that the candidate is not

22 eligible to receive a grant, the candidate withdraws his or her application under s.

23 11.50 (2) (h), s. 11.31 (3n) or 11.50 (2) (i) applies to that candidate, or the board issues

24 a determination under sub. (3r) applicable to the candidate.

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

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1 11.31 (2m) (title) ~~VOLUNTARY LIMITATION~~ AFFIDAVIT OF ADHERENCE TO LIMITATIONS.

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

4 11.31 (2m) (b) Any candidate to whom sub. (2) and s. 11.26 (10) do not apply  
5 may file an affidavit with his or her filing officer affirming that he or she has adhered  
6 and will adhere to the limitations imposed under sub. (2) and s. 11.26 (10) during the  
7 entire campaign. These limitations apply unless the candidate withdraws the  
8 affidavit by notifying his or her filing officer in writing no later than the 7th day after  
9 the date of the primary in which the person filing the affidavit is a candidate, or the  
10 7th day after the date that the primary would be held, if no primary is required, ~~or~~  
11 unless sub. <sup>(3n)</sup> ~~(3p)~~ applies to that candidate or the filing officer issues a determination  
12 under sub. <sup>(3r)</sup> ~~(3q)~~ applicable to the candidate. board

13 SECTION 91. 11.31 (2m) (a) ~~and (c)~~ of the statutes <sup>is</sup> are created to read:

14 11.31 (2m) (a) Each candidate who files an application to receive a grant from  
15 the Wisconsin election campaign fund shall file an affidavit with the board affirming  
16 that the candidate, and his or her authorized agents, have complied with the  
17 limitations imposed under sub. (2) and s. 11.26 at all times during which the  
18 limitations have applied to his or her candidacy and will continue to comply with the  
19 limitations at all times during which the limitations apply to his or her candidacy,  
20 unless the board determines that the candidate is not eligible to receive a grant from  
21 the fund, the candidate withdraws his or her application for a grant under s. 11.50  
22 (2) (h), sub. <sup>(3n)</sup> ~~(3p)~~ or s. 11.50 (2) (i) applies, or the board issues a determination under  
23 sub. (3r) applicable to the candidate.

24 ~~(c) For purposes of administering ss. 71.07 (5d), 71.28 (5d), and 71.47 (5d), the~~  
25 ~~board shall forward a copy of each affidavit filed under this subsection by a candidate~~

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1 for a state office specified in sub. (1) (a) to (f) to the department of revenue and shall  
2 notify the department of revenue immediately if such a candidate is not subject to  
3 the limitations described in the affidavit.

4 **SECTION 92.** 11.31 (3) of the statutes is amended to read:

5 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the  
6 limitations imposed under sub. (2), candidates for governor and lieutenant governor  
7 of the same political party who both accept grants from the Wisconsin election  
8 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),  
9 adjusted as provided under sub. (9), and reallocate the total level between them. The  
10 candidates shall each inform the board of any such agreement.

11 **SECTION 93.** 11.31 (3m) of the statutes is repealed.

12 **SECTION 94.** 11.31 (3n) of the statutes is created to read:

13 11.31 (3n) DISBURSEMENTS BY OPPOSING CANDIDATES FOR CERTAIN STATE OFFICES.

14 If a candidate for a state office specified in sub. (1) (a) to (f) in any campaign  
15 <sup>who has filed an affidavit under sub. (2m)</sup> determines that an opposing candidate who has not filed an affidavit under sub. (2m)  
16 has made disbursements exceeding the amount of the disbursement level applicable  
17 to that candidate under sub. (1), as adjusted under sub. (9), then that candidate and  
18 each of his or her opponents may make additional contributions to his or her own  
19 campaign exceeding the amount authorized under s. 11.26 (10) and may make  
20 additional disbursements in that campaign exceeding the amount authorized under  
21 sub. (1), as adjusted under sub. (9), in an amount equivalent to the lesser of the total  
22 contributions made by the opposing candidate to his or her own campaign or the  
23 amount by which the total disbursements made by the opposing candidate exceed the  
24 disbursement limitation or level applicable to that candidate under sub. (1), as  
25 adjusted under sub. (9), as reported to the board by the opposing candidate or his or

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1 her personal campaign committee. In addition, contributions to that candidate and  
2 to each of his or her opponents may be made as authorized under s. 11.26 (9m).

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

4 ~~11.31 (3p) DISBURSEMENTS BY OPPOSING CANDIDATES FOR OTHER OFFICES. If a~~  
5 ~~candidate for an office specified in sub. (1) (i) to (u) in any campaign determines that~~  
6 ~~an opposing candidate who has not filed an affidavit under sub. (2m) (b) has made~~  
7 ~~disbursements exceeding the amount of the disbursement level applicable to that~~  
8 ~~candidate under sub. (1), as adjusted under sub. (9), then that candidate and each~~  
9 ~~of his or her opponents may make additional contributions to his or her own~~  
10 ~~campaign exceeding the amount agreed to by the candidate and may make additional~~  
11 ~~disbursements in that campaign exceeding the amount agreed to by the candidate~~  
12 ~~in an amount equivalent to the lesser of the total contributions made by the opposing~~  
13 ~~candidate to his or her own campaign or the amount by which the total~~  
14 ~~disbursements made by the opposing candidate exceed the disbursement level that~~  
15 ~~was agreed to by any of the candidates, as reported to the appropriate filing officer~~  
16 ~~by the opposing candidate or his or her personal campaign committee. In addition,~~  
17 ~~contributions to that candidate and his or her opponents may be made as authorized~~  
18 ~~under s. 11.26 (9m).~~

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

20 11.31 (3r) INDEPENDENT EXPENDITURES; CANDIDATES FOR CERTAIN STATE OFFICES.

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

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

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(c), (e), or (f)

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

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

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

6 (b) If a candidate for a state office specified in sub. (1) (a) ~~to~~ has filed an  
7 affidavit under sub. (2m) and each of the candidate's opponents whose names are

8 certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the  
9 candidate have filed affidavits under sub. (2m) and the candidate determines that

10 one or more independent expenditures have been made for the purpose of making  
11 a communication in opposition to the candidate, or in support of a candidate

12 whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in  
13 opposition to the candidate, other than for the purpose of making a communication

14 described in s. 11.29 or 11.30 (4m), and one or more of the communications is likely  
15 to have an unfair impact on the election campaign, the candidate may file a sworn

16 statement to this effect with the board on a form prescribed by rule of the board for  
17 this purpose. The statement shall contain specific allegations indicating the reasons

18 why any communication identified in the statement will have an unfair impact upon  
19 the election campaign in accordance with the criteria prescribed under par. (a). The

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

22 made.

23 2. Upon filing of this statement with the board in accordance with applicable  
24 requirements, the board shall examine the statement. If the board determines that

25 the statement is complete, that a communication described in the statement has

the board receives a report under s. 11.065 that

~~certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the candidate have filed affidavits under sub. (2m) and the candidate determines that~~

~~to have an unfair impact on the election campaign, the candidate may file a sworn~~

~~statement to this effect with the board on a form prescribed by rule of the board for this purpose. The statement shall contain specific allegations indicating the reasons why any communication identified in the statement will have an unfair impact upon the election campaign in accordance with the criteria prescribed under par. (a). The statement may be made by any individual who has personal knowledge that an independent expenditure for the purpose of making such a communication has been made.~~

~~2. Upon filing of this statement with the board in accordance with applicable requirements, the board shall examine the statement. If the board determines that the statement is complete, that a communication described in the statement has~~

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*in an amount equivalent to the amount of the independent expenditure, as reported under s. 11.065*

1 ~~been made in opposition to the candidate or in support of a candidate whose name~~  
 2 ~~is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to~~  
 3 ~~the candidate, other than for the purpose of making a communication described in~~  
 4 ~~s. 11.29 or 11.30 (4m), that an independent expenditure was made to finance the~~  
 5 ~~communication, and that the independent expenditure is likely to have an unfair~~  
 6 ~~impact upon the election campaign, the board shall, no later than the end of the 3rd~~  
 7 ~~calendar day after receiving the <sup>report under s. 11.065</sup> statement, issue a determination that the candidate~~  
 8 ~~may make additional disbursements in that campaign exceeding any~~  
 9 ~~and each of his or her opponents are not bound by the limitation imposed under sub.~~  
 10 ~~(2) or by any limitation upon disbursements agreed to under sub. (2m), and that~~  
 11 ~~contributions to the candidate may be made as authorized under s. 11.26 (9m).~~

12 ~~(c) The board shall immediately file a written copy of its determination with~~  
 13 ~~each of the candidates to whom the determination applies~~  
 14 ~~for the office that the candidate seeks~~

*The board may obtain a copy of the communication as provided under s. 11.065 (2) to aid in making the determination for the submission.*

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

15 **11.31 (3s) INDEPENDENT EXPENDITURES; CANDIDATES FOR OTHER OFFICES.** (a) 1. If  
 16 a candidate for an office specified in sub. (1) (i) to (u) in any campaign has filed an  
 17 affidavit under sub. (2m) (b) and each of the candidate's opponents whose names are  
 18 certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the  
 19 candidate have filed affidavits under sub. (2m) (b), and the candidate determines  
 20 that one or more independent expenditures have been made for the purpose of  
 21 making one or more communications in opposition to the candidate, or in support of  
 22 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on  
 23 the ballot in opposition to the candidate, other than for the purpose of making a  
 24 communication described in s. 11.29 or 11.30 (4m), and one or more of the  
 25 communications is likely to have an unfair impact on the election campaign, the  
 candidate may file a sworn statement to this effect with the candidate's filing officer



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1 on a form prescribed by the board for this purpose. The statement shall contain  
2 specific allegations indicating the reasons why any communication identified in the  
3 statement will have an unfair impact upon the election campaign in accordance with  
4 the criteria prescribed by the board under sub. (3r) (a). The statement may be made  
5 by any individual who has personal knowledge that an independent expenditure for  
6 the purpose of making such a communication has been made.

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

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

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

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

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

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

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

18 **SECTION 100.** 11.38 (6) of the statutes is amended to read:

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

24 **SECTION 101.** 11.385 of the statutes is created to read:

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

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

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

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

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

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1           **SECTION 102.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

2           11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general  
3 account:

4           **SECTION 103.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

5           **SECTION 104.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b. and  
6 amended to read:

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

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1 of votes calculated, the individual is deemed to qualify as an eligible candidate prior  
2 to the election ~~under this subdivision.~~

3 **SECTION 105.** 11.50 (1) (a) 2m. of the statutes is created to read:

4 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party  
5 account, an individual who is certified under s. 7.08 (2) (a) or 8.50 (1) (d) in the general  
6 election or a special election as the candidate of an eligible political party for a state  
7 office, other than district attorney, or an individual who has been lawfully appointed  
8 and certified to replace such an individual on the ballot at the general or a special  
9 election and who has qualified for a grant under sub. (2).

10 **SECTION 106.** 11.50 (1) (am) of the statutes is created to read:

11 11.50 (1) (am) "Eligible political party" means any of the following:

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

16 2. A party qualifying under s. 5.62 (2) for a separate ballot or one or more  
17 separate columns or rows on a ballot for the period beginning on the preceding June  
18 1, or if that June 1 is in an odd-numbered year, the period beginning on June 1 of the  
19 preceding even-numbered year, and ending on May 31 of the 2nd year following that  
20 June 1.

21 **SECTION 107.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

22 11.50 (1) (bm) "General account" means the account in the fund created under  
23 sub. (2w).

24 (cm) "Political party account" means an account in the fund created under sub.  
25 (2s).

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1           **SECTION 108.** 11.50 (2) (a) of the statutes is amended to read:

2           11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may  
3 file an application with the board requesting approval to participate in the fund. The  
4 application shall be filed no later than the applicable deadline for filing nomination  
5 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m.  
6 on the 7th day after the primary or date on which the primary would be held if  
7 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day  
8 after appointment in the case of candidates appointed to fill vacancies. The  
9 application shall contain a sworn statement that the candidate and his or her  
10 authorized agents have complied with the contribution limitations prescribed in s.  
11 ~~11.26 and the disbursement limitations prescribed under s. 11.31 at all times to~~  
12 ~~which such limitations have applied to his or her candidacy and will continue to~~  
13 ~~comply with the limitations at all times to which the limitations apply to his or her~~  
14 ~~candidacy for the office in contest, unless the board determines that the candidate~~  
15 ~~is not eligible to receive a grant, the candidate withdraws his or her application~~  
16 ~~under par. (h), or par. (i) applies~~ applicant shall provide, along with the application,  
17 an affidavit under s. 11.31 (2m) (a).

18           **SECTION 109.** 11.50 (2) (b) 4. of the statutes is amended to read:

19           11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as  
20 of the date of the spring or September primary, or the date that the special primary  
21 is or would be held, if required, indicate that his or her statement affidavit filed with  
22 ~~the application under par. (a) s. 11.31 (2m) (a)~~ is true; and

23           **SECTION 110.** 11.50 (2) (b) 5. of the statutes is amended to read:

24           11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
25 of the date of the spring or September primary, or the date that the special primary

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

25 **SECTION 111.** 11.50 (2) (f) of the statutes is amended to read:

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

8           **SECTION 112.** 11.50 (2) (g) of the statutes is amended to read:

9           11.50 (2) (g) A candidate who voluntarily files an application to receive a grant  
10 in accordance with this subsection accepts and agrees to comply with the  
11 contribution limitations prescribed in s. 11.26 and the disbursement limitations  
12 imposed under s. 11.31 (2) as binding upon himself or herself and his or her agents  
13 during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant  
14 under this section, unless the board determines that the candidate is not eligible to  
15 receive a grant, the candidate withdraws the application under par. (h), ~~or~~ par. (i) or  
16 s. 11.31 (3n) applies to the candidate, or the board issues a determination under s.  
17 11.31 (3r) applicable to the candidate.

18           **SECTION 113.** 11.50 (2) (h) of the statutes is amended to read:

19           11.50 (2) (h) An eligible candidate who files an application under par. (a) may  
20 file a written withdrawal of the application. A withdrawal of an application may be  
21 filed with the board no later than the 7th day after the day of the primary in which  
22 the person withdrawing the application is a candidate or the 7th day after the date  
23 that the primary would be held, if required. If an application is withdrawn in  
24 accordance with this paragraph, the person withdrawing the application is no longer



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1 bound by the ~~statement~~ affidavit filed under ~~par. (a)~~ s. 11.31 (2m) (a) after the date  
2 of the withdrawal.

3 **SECTION 114.** 11.50 (2) (i) of the statutes is amended to read:

4 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring  
5 election or a special nonpartisan election who accepts a grant is opposed by one or  
6 more candidates in the election, or if an eligible candidate at the general election or  
7 a special partisan election who accepts a grant is opposed by one or more candidates  
8 in the election who receive at least 6% of the vote cast for all candidates for the same  
9 office on all ballots at the September primary or a special partisan primary if a  
10 primary was held, and in either case if any such opponent of the eligible candidate  
11 does not accept a grant under this section in whole or in part, the eligible candidate  
12 is not bound by the pledge made in his or her application to adhere to the contribution  
13 limitations prescribed in s. 11.26 and the disbursement limitation prescribed under  
14 s. 11.31 (2), unless each such opponent files an affidavit of ~~voluntary compliance~~  
15 under s. 11.31 (2m) (b), s. 11.31 (3n) does not apply to the candidate, and the board  
16 has not issued a determination under s. 11.31 (3r) applicable to the candidate.

17 **SECTION 115.** 11.50 (2s) of the statutes is created to read:

18 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) The state chairperson of each eligible  
19 political party may, by written request to the board, provide for the establishment  
20 or discontinuance of an account within the fund for that political party. Each political  
21 party account consists of all moneys designated by individuals for deposit in that  
22 account under s. 71.10 (3) (a).

23 (b) From the account of each eligible political party, the board shall apportion  
24 moneys to an account for each office in the same proportion that moneys are  
25 apportioned under sub. (4). Within each account, the board shall apportion available

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1 moneys to eligible candidates representing that party who qualify to receive grants.  
2 If there are insufficient moneys available to finance payment of the full amount of  
3 the grant for which a candidate for legislative office qualifies, the board shall prorate  
4 available moneys within the account for each legislative office. Whenever an eligible  
5 candidate representing an eligible political party receives a grant, the state  
6 treasurer shall first make payment of the grant from the political party account of  
7 that party, to the extent that sufficient moneys are available in that account to make  
8 payment of the grant.

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

12 **SECTION 116.** 11.50 (2w) of the statutes is created to read:

13 11.50 (2w) GENERAL ACCOUNT. There is established a general account within  
14 the fund consisting of all moneys designated by individuals for deposit in that  
15 account under s. 71.10 (3) (a), all moneys transferred to that account under sub. (2s)  
16 (c), and all moneys deposited in the fund under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2),  
17 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6).

18 **SECTION 117.** 11.50 (3) (a) 1. of the statutes is renumbered 11.50 (3) (a) 2m. and  
19 amended to read:

20 11.50 (3) (a) 2m. If After making any transfer required under subd. 1m. if an  
21 election for state superintendent is scheduled in the following year, 8% of the fund  
22 shall be placed in the state treasurer shall transfer an amount sufficient to finance  
23 payment of the full amount of the grants authorized under sub. (9) (a) for candidates  
24 for the office of state superintendent to a superintendency account. From this  
25 account, an equal amount shall be disbursed to the campaign depository account of

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1 each eligible candidate by the state treasurer. Any unencumbered balance in the  
2 superintendency account after an election for the office of state superintendent is  
3 held shall revert to the general account.

4 SECTION 118. 11.50 (3) (a) 2. of the statutes is renumbered 11.50 (3) (a) 1m. and  
5 amended to read:

6 11.50 (3) (a) 1m. If an election for justice is scheduled in the following year, 8%  
7 of the fund shall be placed in the state treasurer shall transfer an amount sufficient  
8 to finance payment of the full amount of the grants authorized under sub. (9) (b) for  
9 candidates for the office of justice to a supreme court account. From this account, an  
10 equal amount shall be disbursed to the campaign depository account of each eligible  
11 candidate by the state treasurer. Any unencumbered balance in the supreme court  
12 account after an election for the office of justice is held shall revert to the general  
13 account.

14 SECTION 119. 11.50 (3) (b) of the statutes is amended to read:

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

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1 ~~superintendent to the superintendency account for the office in which the vacancy~~  
2 ~~occurs, such. The moneys to shall be drawn transferred~~ from any account within the  
3 accounts created under sub. (4) in the amount or amounts specified by the board.

4 **SECTION 120.** 11.50 (3) (c) of the statutes is created to read:

5 11.50 (3) (c) If there are insufficient moneys in the fund to make any transfer  
6 that is required to be made under par. (a) or (b), the state treasurer shall transfer the  
7 balance in the fund to the account to which the transfer is required to be made.

8 **SECTION 121.** 11.50 (4m) of the statutes is created to read:

9 11.50 (4m) **PAYMENT OF GRANT AMOUNTS.** The state treasurer shall make  
10 payment of each grant to an eligible candidate from the political party account of that  
11 candidate's political party, if any, if there are sufficient moneys in that account to  
12 make full payment of the grant, and then from the general account. The amount of  
13 each grant is the amount specified in sub. (9), except as provided in sub. (10) and  
14 except that if there are insufficient moneys in the account for any office within the  
15 general account to make payment of the full amount of the grant for which a  
16 candidate qualifies, the board shall first allocate available moneys in that account  
17 to equalize payments of grants to all eligible candidates for each office for which any  
18 candidate has received payments from a political party account, and thereafter shall  
19 prorate any remaining available moneys in that account to all eligible candidates  
20 who qualify to receive a grant from that account.

21 **SECTION 122.** 11.50 (5) of the statutes is amended to read:

22 11.50 (5) **TIME OF DISBURSEMENT.** The state treasurer shall make the  
23 disbursements of grants under sub. (9) to the campaign depository account of each  
24 eligible candidate ~~under subs. (3) and (4)~~ by the end of the 3rd business day following

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1 notice from the board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor  
2 and lieutenant governor of the same political party may combine accounts if desired.

3 **SECTION 123.** 11.50 (6) of the statutes is amended to read:

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

8 **SECTION 124.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended  
9 to read:

10 11.50 (9) (a) ~~The~~ Except as provided in pars. (c) and (d), the total grant available  
11 to an eligible candidate for an office other than the office of justice may not exceed  
12 that amount which, when added to all other contributions accepted from sources  
13 other than individuals, and political party committees ~~and legislative campaign~~  
14 ~~committees,~~ is equal to 45% of the disbursement level specified for the applicable  
15 office under s. 11.31 (1), adjusted as provided under s. 11.31 (9).

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

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

21 **SECTION 125.** 11.50 (9) (b) to (d) of the statutes are created to read:

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

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1 political party committees, is equal to 65% of the disbursement level specified for that  
2 office under s. 11.31 (1), as adjusted under s. 11.31 (9).

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

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

13 **SECTION 126.** 11.50 (10m) of the statutes is amended to read:

14 **11.50 (10m) RETURN OF GRANTS.** An individual who receives a grant prior to an  
15 election in which he or she is a candidate and who desires to return any portion of  
16 the grant shall return that portion no later than the 2nd Tuesday in October  
17 preceding a general election, the 4th Tuesday preceding a spring election or the 3rd  
18 Tuesday preceding a special election. A candidate who returns all or any portion of  
19 a grant under this subsection remains bound by the candidate's statement affidavit  
20 filed under sub. (2)(a) s. 11.31 (2m) (a).

21 **SECTION 127.** 11.50 (11) (e) of the statutes is amended to read:

22 **11.50 (11) (e)** No candidate may expend, authorize the expenditure of or incur  
23 any obligation to expend any grant if he or she violates the ~~pledge~~ affidavit required  
24 under sub. (2) (a) as a precondition to receipt of a grant, ~~except as authorized in sub.~~  
25 ~~(2) (h) or (i).~~

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1           **SECTION 128.** 11.50 (14) of the statutes is created to read:

2           **11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE.** (a) In each  
3 even-numbered year, the board shall certify to the secretary of revenue:

4           1. No later than July 1, the name of each political party that qualifies under  
5 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose  
6 state chairperson has filed a request to establish an account for the party under sub.  
7 (2s) (a).

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

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

13           **SECTION 129.** 11.60 (1) and (2) of the statutes are amended to read:

14           **11.60 (1)** Any person, including any committee or group, who violates this  
15 chapter may be required to forfeit not more than ~~\$500~~ \$1,500 for each violation.

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

21           **SECTION 130.** 11.61 (1) of the statutes is amended to read:

22           **11.61 (1) (a)** Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07  
23 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than ~~\$10,000~~  
24 \$30,000 or imprisoned for not more than ~~4~~ 13 years and 6 months or both.

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

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

11 SECTION 131. 11.66 of the statutes is renumbered 11.66 (1) and amended to  
12 read:

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



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

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6           **SECTION 132.** 11.66 (2) of the statutes is created to read:

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

9           **SECTION 133.** 19.42 (3m), (4g), (4r) and (7p) of the statutes are created to read:

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

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

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

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

22           (7p) "Independent expenditure" has the meaning given in s. 11.01 (11m).

23           **SECTION 134.** 19.45 (13) of the statutes is created to read:

24           19.45 (13) No state public official holding an elective office may, directly or by  
 25 means of an agent, give, or offer or promise to give, or withhold, or offer or promise

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1 to withhold, his or her vote or influence, or promise to take or refrain from taking  
2 official action with respect to any proposed or pending matter in consideration of, or  
3 upon condition that, any other person make or refrain from making a political  
4 contribution, or provide or refrain from providing any service or other thing of value,  
5 to or for the benefit of a candidate, a political party, any other person who is subject  
6 to a registration requirement under s. 11.05, or any person who makes an  
7 independent expenditure for the purpose of making a communication that contains  
8 a reference to a candidate for state public office.

9 **SECTION 135.** 19.49 (1m) of the statutes is created to read:

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

15 **SECTION 136.** 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and amended  
16 to read:

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

20 **SECTION 137.** 19.49 (5) (b) of the statutes is created to read:

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

24 **SECTION 138.** 19.53 (6) of the statutes is amended to read:

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1           19.53 (6) An order requiring the accused to forfeit not more than \$500 for each  
2 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of  
3 any other provision of this subchapter, or not more than the applicable amount  
4 specified in s. 13.69 for each violation of subch. III of ch. 13; ~~and, if, If the board~~  
5 ~~determines that the accused has realized economic gain as a result of the violation,~~  
6 ~~an the board may, in addition,~~ order requiring the accused to forfeit the amount  
7 ~~gained as a result of the violation. In addition, if the board determines that a state~~  
8 ~~public official has violated s. 19.45 (13), the board may order the official to forfeit an~~  
9 ~~amount equal to the amount or value of any political contribution, service, or other~~  
10 ~~thing of value that was wrongfully obtained. If the board determines that a state~~  
11 ~~public official has violated s. 19.45 (13) and no political contribution, service, or other~~  
12 ~~thing of value was obtained, the board may order the official to forfeit an amount~~  
13 ~~equal to the maximum contribution authorized under s. 11.26 (1) for the office held~~  
14 ~~or sought by the official, whichever amount is greater. The attorney general, when~~  
15 ~~so requested by the board, shall institute proceedings to recover any forfeiture~~  
16 ~~incurred under this section or s. 19.545 which is not paid by the person against whom~~  
17 ~~it is assessed.~~

18           **SECTION 139.** 19.535 of the statutes is created to read:

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

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1 recovered shall be paid to the state. If the court finds in any such action that the  
2 cause of action was frivolous as provided in s. 814.025, the court shall award costs  
3 and fees to the defendant under that section.

4 **SECTION 140.** 19.59 (1) (br) of the statutes is created to read:

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

15 **SECTION 141.** 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and amended  
16 to read:

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

22 **SECTION 142.** 19.59 (7) (b) of the statutes is created to read:

23 19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not  
24 more than \$1,000 for each violation, and, if the court determines that a local public  
25 official has violated sub. (1) (br) and no political contribution, service, or other thing

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1 of value was obtained, the court may, in addition, order the accused to forfeit an  
2 amount equal to the maximum contribution authorized under s. 11.26 (1) for the  
3 office held or sought by the official, whichever amount is greater.

4 **SECTION 143.** 19.59 (8) (c) of the statutes is amended to read:

5 19.59 (8) (c) If the district attorney fails to commence an action to enforce sub.  
6 (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the  
7 district attorney refuses to commence such an action, the person making the  
8 complaint may petition the attorney general to act upon the complaint. The attorney  
9 general may then bring an action under par. (a) or (b), or both.

10 **SECTION 144.** 19.59 (8) (cm) and (cn) of the statutes are created to read:

11 19.59 (8) (cm) No complaint alleging a violation of sub. (1) (br) may be filed  
12 during the period beginning 120 days before a general or spring election, or during  
13 the period commencing on the date of the order of a special election under s. 8.50, and  
14 ending on the date of that election, against a candidate who files a declaration of  
15 candidacy to have his or her name appear on the ballot at that election.

16 (cn) If the district attorney refuses or otherwise fails to commence an action to  
17 enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a  
18 violation of sub. (1) (br), the person making the complaint may bring an action to  
19 recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf,  
20 of the state. In such actions, the court may award actual and necessary costs of  
21 prosecution, including reasonable attorney fees, to the relator if her or she prevails,  
22 but any forfeiture recovered shall be paid to the state. If the court finds in any such  
23 action that the cause of action was frivolous as provided in s. 814.025, the court shall  
24 award costs and fees to the defendant under that section.

25 **SECTION 145.** 25.42 of the statutes is amended to read:

**BILL**

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

8           **SECTION 146.** 71.07 (6s) of the statutes is created to read:

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

10           1. "Claimant" means an individual who makes a designation.

11           2. "Designation" means an amount designated under s. 71.10 (3) (a).

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

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

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

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

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

24           **SECTION 147.** 71.10 (3) (a) of the statutes is amended to read:

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

strike strike  
plain comma

SECTION 148. 71.10 (3) (b) of the statutes is amended to read:

14           71.10 (3) (b). The secretary of revenue shall provide a place for these  
15           designations under par. (a) on the face of the individual income tax return and shall  
16           provide next to that place a statement that a designation will not increase tax  
17           liability, and that the amount of a designation may be claimed as a credit under s.  
18           71.07 (6s). Annually on August 15, the secretary of revenue shall certify to the  
19           elections board, the department of administration and the state treasurer ~~under s.~~  
20           ~~11.50~~ the total amount of designations made on returns processed by the department  
21           of revenue during the preceding fiscal year and the amount of designations made  
22           during that fiscal year for the general account and for the account of each eligible  
23           political party. If any individual designates an amount greater than the amount  
24           authorized under par. (a) or attempts to place any condition or restriction upon a

**BILL**

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

3 **SECTION 149.** 71.10 (4) (cs) of the statutes is created to read:

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

5 **SECTION 150.** 227.03 (6m) of the statutes is created to read:

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

8 **SECTION 151.** 227.52 (8) of the statutes is created to read:

9 227.52 (8) The decisions of the executive director of the elections board under  
10 s. 5.066.

11 **SECTION 152. Nonstatutory provisions.**

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

16 (2) **RULES FOR PUBLIC ACCESS CHANNELS AND PUBLIC TELEVISION STATIONS.**

17 (a) Using the procedure under section 227.24 of the statutes, the elections  
18 board may promulgate the rules required under section 11.21 (17) of the statutes, as  
19 created by this act, for the period before the effective date of the permanent rules, but  
20 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
21 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the elections  
22 board is not required to provide evidence that promulgating rules under this  
23 paragraph as emergency rules is necessary for the preservation of the public peace,  
24 health, safety, or welfare and is not required to provide a finding of emergency for any  
25 rule promulgated under this paragraph.



**BILL**

1 (b) The elections board shall submit in proposed form the rules required under  
2 section 11.21 (17) of the statutes, as created by this act, to the legislative council staff  
3 under section 227.15 (1) of the statutes no later than the first day of the 10th month  
4 beginning after the effective date of this paragraph.

**SECTION 153. Initial applicability.**

5  
6 (1) **NONRESIDENT REGISTRANT REPORTING.** The treatment of sections 11.06 (1)  
7 (intro.) and (3) (b) (intro.) and 11.12 (4) of the statutes first applies with respect to  
8 reporting periods which begin on or after the effective date of this subsection.

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

13 (3) **COST OF LIVING ADJUSTMENTS.** (a) The treatment of sections 11.26 (10a) and  
14 11.31 (9) of the statutes first applies to adjustments for the 4-year period beginning  
15 on January 1, 2006.

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

19 (END)

**BILL**

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pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a public grant (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 75% of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports, by electronic mail or facsimile transmission, with the elections board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The daily reports may be filed no later than 24 hours after each disbursement is made, and must include the information that is currently required to be reported pertaining to disbursements made by candidates. The daily reports must be filed during the time period beginning with the later of the date of the disbursement that triggers the requirement or the 7th day after the applicable primary election or the date that a primary would be held, if required, and ending with date of the election at which the candidate seeks office.

The bill similarly requires each committee that makes any disbursement for the purpose of advocating the election or defeat of a candidate for a major state office at the general election or a special election independently of any candidate who is supported or whose opponent is opposed, within 60 days of that election or the primary for that election, to file daily reports, by electronic mail or facsimile transmission, with the elections board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. These daily reports must be filed no later than 24 hours after each disbursement is made, and must include information specifying the date and purpose of the disbursement, the payee, the name of each candidate who is supported or whose opponent is opposed, and the total amount of disbursements made in support of or in opposition to that candidate.

**Mass communications (expenditures)**

of persons state office other than district attorney

Currently, individuals who accept contributions, organizations which make or accept contributions, or individuals who or organizations which incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

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

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who or organization that, within 30 days of a spring primary election for an office or within 60 days of any other election for an office and by means of a printed advertisement, commercial billboard, radio or television advertisement, mass mailing, telephone call, or similar means, makes a communication which included the name or likeness of a candidate for office at that

one or more

during the period beginning on the 30th day before a primary election for an office to be filled at a general, special, or spring election and the date of that general, special, or spring election, or, if no primary is held, during a similar 60-day period preceding a general, special, or spring election

to be filled

any expenditure independently of a candidate for the purpose of making

BILL

*What is commonly referred to as "issue advocacy."*

*or to a communication made by a corporation, cooperative, or nonpolitical voluntary association that is limited to the organization's members, shareholders, or subscribers*

elections. The requirement does not apply to a communication made solely for the purpose of gathering information.

*disbursement that is reportable under current law, to a*

**Timeliness in filing reports**

Currently, where a requirement is imposed under the campaign finance law for filing of a report by a specified date, the requirement may be satisfied by depositing the report with the U.S. postal service no later than the date provided by law for receipt of the report.

This bill permits satisfaction of the filing requirement only by delivering a report to the appropriate filing officer or agency on or before the date provided by law for receipt of the report or by depositing the report with the U.S. postal service no later than the third day before that date.

**DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS**

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but declines to accept one. A candidate for state office who accepts a grant from the Wisconsin election campaign fund and who agrees to be bound by the disbursement limit applicable to the office which the candidate seeks may receive a grant equal to 45% of that disbursement limit, less certain committee contributions accepted by the candidate, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify.

Current law also imposes registration and financial reporting requirements on committees and individuals making disbursements independently of a candidate in support of or in opposition to a candidate for a state or local office. One requirement is the obligation of the committee or individual to file reports with the appropriate filing officer within 24 hours of making such a disbursement, if the disbursement is made less than 15 days before a primary or election and if the cumulative amount of such disbursements exceeds \$20.

This bill:

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

<u>Office</u>	<u>Current Level</u>	<u>Proposed Level</u>
Governor	\$1,078,200	\$2,000,000
Lieutenant governor	323,475	500,000
Attorney general	539,000	700,000
Secretary of state	215,625	250,000
State treasurer	215,625	250,000
Supreme court justice	215,625	300,000
State superintendent	215,625	250,000

*Car ms*

*ISSUE I-1*

*of those who may disburse*

**ENGROSSED SENATE BILL 104**

INSEAT  
I-11

This bill requires each committee that is currently required to file its campaign finance reports electronically to file those reports within 24 hours after a reportable transaction occurs. Under the bill, once a registrant becomes subject to an electronic reporting requirement, the requirement continues to apply until a termination report is filed, regardless of the level of continuing financial activity of the registrant. In accordance with current law, the bill also requires registrants who file electronically to file copies of reports, at the times currently prescribed by law, recorded on a medium prescribed by the board. The change applies effective with reports filed on or after the day on which the bill becomes law.

**Mass media activities**

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

With certain exceptions, this bill imposes ~~registration and~~ reporting requirements, ~~in addition,~~ upon any individual who and organization that, within 60 days of an election and by means of communications media, makes communications which include a reference to a candidate ~~at that election, an office to be filled at that election, or a political party.~~ The bill, however, does not require ~~registration and~~ reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

30 days of  
election  
for a state  
office to be  
filled at that  
election or  
for a  
candidate

**Special reporting by certain registrants**

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 14th day prior to the primary or election. Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a public grant (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 75% of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports,

does not apply unless

INSEAT  
I-11

non

The reporting requirement ~~does not apply unless~~ the individual or organization makes independent expenditures ~~independently of~~ a candidate for such communications exceeding \$2,000. The report required under the bill must include the name of each candidate identified in the communication, a statement as to whether the communication is intended to support or oppose the candidate (and, if so, identification of each candidate supported or opposed), the total amount or value of the independent expenditure used to fund the communication, and the cumulative aggregate independent expenditures made by the individual or organization with respect to the candidate.

NO (P)

The bill permits the board to obtain a copy of any reported communication, under certain circumstances, in order to determine whether the communication was intended to support or oppose a ~~candidate~~ candidate. ~~The~~ determination may be made only for purposes of granting exemptions from certain disbursement and contribution limits (see below).

Any such

applies

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open paren

if a candidate for state office other than court of appeals judge, circuit judge, or district attorney

independently of a candidate for a reportable mass communication

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9

Under this bill, 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 if an independent expenditure is made in opposition to his or her candidacy or in support of his or her opponent, then the candidate may make additional disbursements in that campaign exceeding the applicable disbursement limitation, in an amount equivalent to the amount of the independent expenditure. In addition the limitations upon contributions made by individuals to the candidate's campaign are doubled. Furthermore, subject to certain limits, any contributions received by the candidate for purposes of responding to the independent expenditure, up to the amount of the independent expenditure, are not subject to the the percentage limitations on the aggregate total of contributions received from committees and grants from the Wisconsin election campaign fund. The bill requires the candidate to include, in each required campaign finance report, an itemization of any such contributions. The bill, although, prohibits a candidate from accepting contributions totaling more than 200% of the percentage limitations on the aggregate total of contributions received from committees and grants from the Wisconsin election campaign fund. In addition, applicable limitations on contributions from particular committees, other than political party committees, continue to apply to the candidate.

(as affected by the bill)

each

who desires to respond to such an expenditure

no 9

advocacy

Under the bill,

INSERT 10A

However, the

Furthermore, subject to certain limits, any contributions received by the candidates for purposes of responding to the excess disbursements, up to the amount of the excess disbursements, are not subject to the the percentage limitations on the aggregate total of contributions received from committees and grants from the Wisconsin election campaign fund. The bill requires the candidates to include, in each required campaign finance report, an itemization of any such contributions. The bill, although, prohibits the candidates from accepting contributions totaling more than 200% of the percentage limitations on the aggregate total of contributions received from committees and grants from the Wisconsin election campaign fund. In addition, applicable limitations on contributions from particular committees, other than political party committees, continue to apply to the candidates.

who desire to respond to such disbursements

However, the

Under the bill

INSERT 27-20

SECTION 1. 11.06 (1) (cm) of the statutes is created to read:

11.06 (1) (cm) If the report is filed by a candidate who wishes to make disbursements that are exempt from the limitations

those contributions that the candidate intends to use to make disbursements that are

under s. 11.26 (9) as provided under s. 11.26(9m)

exempt from <sup>those</sup> ~~the~~ limitations ~~under s. 11.26 (9), as provided under s. 11.26 (9m).~~ The separate schedule may include contributions previously reported by the candidate and, if so, shall indicate the date <sup>amounts and</sup> on which those contributions were reported. <sup>as received</sup>

no 9

INSERT 48-13

In addition, except as otherwise provided in this subsection, sub. (9) does not apply to any contributions received by the candidate that the candidate intends to use to make disbursements in response to an opposing candidate's disbursements described under s. 11.31 (3n) or an applicable independent expenditure described under s. 11.31 (3r), as reported by the candidate under s. 11.06 (1) (cm), to the extent that the contributions do not exceed the amount <sup>of</sup> those disbursements described under s. 11.31 (3n) or that independent expenditure described under s. 11.31 (3r). A candidate to whom this subsection applies may not receive contributions in excess of 200% of the limitations specified in sub. (9).

exceeding the level or limitation applicable to that candidate, as

- 1 -  
INSECT 23-2

1 from the day after the last date covered on the former candidate's most recent report  
2 to the date of disposition.

3 (d) The newly appointed candidate shall file his or her report in the manner  
4 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate  
5 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed  
6 candidate shall include any transferred funds moneys in his or her first report.

7 SECTION ~~11~~ 11.001 (2m) of the statutes is created to read:

8 11.001 (2m) The legislature finds a compelling justification for minimal  
9 disclosure of all communications made near the time of an election that include the  
10 name or likeness of a candidate for state office to allow increased funding for such  
11 candidates based upon independent <sup>certain</sup> expenditures. This minimal disclosure burden  
12 is outweighed by the need to establish an effective funding mechanism for candidates  
13 for state office to effectively respond to independent expenditures that may impact  
14 an election for those offices.

15 SECTION 12. 11.01 (4m) and (11m) of the statutes are created to read:

16 11.01 (4m) "Communication" means a message transmitted by means of a  
17 printed advertisement, billboard, handbill, sample ballot, radio or television  
18 advertisement, telephone call, or any medium that may be utilized for the purpose  
19 of disseminating or broadcasting a message, but not including a poll conducted solely  
20 for the purpose of identifying or collecting data concerning the attitudes or  
21 preferences of electors.

22 (11m) "Independent expenditure" means an expenditure, other than a  
23 disbursement, made for the purpose of making a communication either that is made  
24 during the 30-day period preceding any spring primary for the office of justice or  
25 state superintendent and the date of the spring election, or if no primary is held,

Love us



- 16 -  
INSERT 29-24

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

11 SECTION 35. 11.06 (7m) (c) of the statutes is amended to read:

12 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change  
 13 its status to a political party committee or legislative campaign committee may do  
 14 so as of December 31 of any even-numbered year. Section 11.26 does not apply to  
 15 contributions received by such a committee prior to the date of the change. Such a  
 16 committee may change its status at other times only by filing a termination  
 17 statement under s. 11.19 (1) and reregistering as a newly organized committee under  
 18 s. 11.05.

19 SECTION 36. 11.06 (11) (c) of the statutes is amended to read:

20 11.06 (11) (c) A contribution of money received from a conduit, accompanied by  
 21 the information required under par. (a), is considered to be a contribution from the  
 22 original contributor for the purposes of ss. 11.26 (1) and (4) and 11.50 (2) (b) 5.

23 SECTION 37. 11.065 of the statutes is created to read:

24 11.065 Independent expenditures. (1) (a) If any person makes one or more  
 25 communications to be financed with independent expenditures exceeding \$2,000 in

1 the aggregate, that person shall file a report with the board. The report shall be made  
2 whenever the person makes one or more communications financed or to be financed  
3 with independent expenditures exceeding \$2,000 in the aggregate and whenever the  
4 person makes one or more additional communications financed or to be financed with  
5 independent expenditures exceeding \$2,000 in the aggregate that are not identified  
6 in a previous report under this subsection. Reports required under this subsection  
7 shall be filed within 7 days after the date that communications financed with  
8 independent expenditures exceeding \$2,000 in the aggregate that are not identified  
9 in a previous report are made <sup>or</sup> if communications are made within 15 days of the  
10 date of a spring primary or election <sup>or</sup> within 15 days of a September or special  
11 primary or general or special election, <sup>then</sup> within 24 hours after the date that  
12 communications financed with independent expenditures exceeding \$2,000 in the  
13 aggregate that are not identified in a previous report are made.

14 (b) If a person makes or incurs an obligation to make a single independent  
15 expenditure for the purpose of financing communications that are to be made on  
16 more than one day, the person may report the entire expenditure under par. (a) for  
17 the day on which the person makes the first communication financed by the  
18 expenditure, or the person may report for each day on which the person makes one  
19 or more communications financed by the expenditure the proportionate amount of  
20 the expenditure attributable to the cost of the communication or communications  
21 made on that day.

22 (2) Each report filed under sub. (1) shall contain the following information:

23 (a) The name of each candidate who is identified in each communication  
24 financed by an independent expenditure.

1 (b) A statement as to whether the communication is intended to support or  
2 oppose any candidate who is identified under par. (a) and if so, the name of that  
3 candidate.

4 (c) The total amount or value of the independent expenditure and the  
5 cumulative aggregate independent expenditures made by the person with respect to  
6 that election.

7 (3) If a person who makes an independent expenditure does not indicate

8 whether an independent expenditure is made against <sup>(a)</sup> ~~an eligible~~ candidate or for an  
9 eligible candidate's opponent, <sup>(b)</sup> or if the report <sup>(2)</sup> reasonably appears to be incorrect, the

10 board may obtain a copy of the communication and, after examination, determine

11 whether the ~~expenditure~~ <sup>communication was intended to support or oppose</sup> was made against an eligible candidate or for an eligible

12 ~~candidate's opponent~~ <sup>(a) 11.31(3)(a)</sup> for purposes of s. ~~11.50(9)(b)~~ <sup>(b)</sup>. Any determination made by

13 the board under this subsection applies solely for the purpose of administration of

14 s. ~~11.50(9)(b)~~ <sup>(b)</sup>.

15 SECTION 38. 11.07 (1) of the statutes is amended to read:

16 11.07 (1) Every nonresident committee or group making contributions and  
17 every nonresident individual, committee or group making disbursements exceeding  
18 \$25 cumulatively the amount specified in s. 11.05 (1) or (2) in a calendar year within  
19 this state shall file the name, mailing and street address and the name and the  
20 mailing and street address of a designated agent within the state with the office of  
21 the secretary of state. An agent may be any adult individual who is a resident of this  
22 state. After any change in the name or address of such agent the new address or  
23 name of the successor agent shall be filed within 30 days. Service of process in any  
24 proceeding under this chapter or ch. 12, or service of any other notice or demand may  
25 be made upon such agent.

<End ins>

or if any candidate for the office that the candidate identified in the communication ~~seeks~~ seeks, including the candidate identified in the communication, files a statement with the board alleging that information reported under sub. (2)(b) is incorrect.

under sub. (2)

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use twice

SENATE BILL 115

INS 33-2

7

SECTION # . CR; 11.12(6)(b)

1 in a previous report under this subsection. Reports required under this subsection  
 2 shall be filed within 7 days after the date that communications financed with  
 3 independent expenditures exceeding \$2,000 in the aggregate that are not identified  
 4 in a previous report are made, or if communications are made within 15 days of the  
 5 date of a spring primary or election, within 24 hours after the date that  
 6 communications financed with independent expenditures exceeding \$2,000 in the  
 7 aggregate that are not identified in a previous report are made.

(B)  
11.12(6)  
9

8 (b) If a person ~~incurs~~ <sup>incurs</sup> an obligation ~~to make a single independent~~  
 9 ~~expenditure~~ <sup>or makes a disbursement</sup> for the purpose of financing communications that are to be made on  
 10 more than one day, the person may report the entire ~~expenditure~~ <sup>obligation or disbursement</sup> under par. (a) for  
 11 the day on which the person makes the first communication financed by the  
 12 ~~expenditure~~ <sup>obligation or disbursement</sup>, or the person may report for each day on which the person makes one  
 13 or more communications financed by the ~~expenditure~~ <sup>obligation or disbursement</sup> the proportionate amount of  
 14 the ~~expenditure~~ <sup>obligation or disbursement</sup> attributable to the cost of the communication or communications  
 15 made on that day.

16 (2) Each report filed under sub. (1) shall contain the following information:

17 (a) The name of each candidate who is identified in each communication  
18 financed by an independent expenditure.

19 (b) A statement as to whether the communication is intended to support or  
20 oppose any candidate who is identified under par. (a) and if so, the name of that  
21 candidate.

22 (c) The total amount or value of the independent expenditure and the  
23 cumulative aggregate independent expenditures made by the person with respect to  
24 that election.

INSECT 51-17

1 if authorized under this subsection to contribute more than the amount specified to  
2 the candidate's own campaign, up to the amount of the limitation.

3 SECTION 78. 11.26 (12m) of the statutes is amended to read:

4 11.26 (12m) For purposes of this section subs. (1) and (4), a contribution of  
5 money received from a conduit identified in the manner prescribed in s. 11.06 (11)  
6 (a) shall be considered a contribution received from the original contributor.

7 SECTION 79. 11.265 of the statutes is repealed.

8 SECTION 80. 11.27 (1) of the statutes is amended to read:

9 11.27 (1) No person may prepare or submit a false report or statement to a filing  
10 officer under this chapter. This subsection does not apply to any information  
11 reported by a person making an independent expenditure under s. 11.065 (2).

12 SECTION 81. 11.31 (1) (intro.) of the statutes is amended to read:

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

18 SECTION 82. 11.31 (1) (a) to (d) of the statutes are amended to read:

19 11.31 (1) (a) Candidates for governor, \$1,078,200 \$2,000,000.

20 (b) Candidates for lieutenant governor, \$323,475 \$500,000.

21 (c) Candidates for attorney general, \$539,000 \$700,000.

22 (d) Candidates for secretary of state, state treasurer, justice, or state  
23 superintendent, \$215,625 \$250,000.

24 SECTION 83. 11.31 (1) (de) of the statutes is created to read:

25 11.31 (1) (de) Candidates for justice, \$300,000.

CLM ms

INSC 77-8

1 county office or a county referendum may be brought by the county board of election  
 2 commissioners of the county wherein the violation is alleged to have occurred. In  
 3 addition, whenever a candidate or personal campaign committee or agent of a  
 4 candidate is alleged to have violated this chapter, action may be brought by the  
 5 district attorney of any county any part of which is contained within the jurisdiction  
 6 or district in which the candidate seeks election. If a violation concerns a district  
 7 attorney or circuit judge or candidate for such offices, the action shall be brought by  
 8 the attorney general. If a violation concerns the attorney general or a candidate for  
 9 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit  
 10 in behalf of the state. The counsel shall be independent of the attorney general and  
 11 need not be a state employe at the time of appointment.

12 **SECTION 122.** 11.61 (1) (a) of the statutes is amended to read:  
 13 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) or (2r), 11.07  
 14 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 (1) may be fined not more than \$10,000  
 15 or imprisoned for not more than 4 years and 6 months or both.

16 **SECTION ~~123~~.** 12.05 of the statutes is amended to read:  
 17 **12.05 False representations affecting elections.** No person may  
 18 knowingly make or publish, or cause to be made or published, a false representation  
 19 pertaining to a candidate or referendum which that is intended or tends to affect  
 20 voting at an election. This section does not apply to any information reported by a  
 21 person making an independent expenditure, as defined in ~~6.0001~~ <sup>s. 11.01</sup> (11m), under s.  
 22 11.065 (2).

23 **SECTION 124.** 13.625 (3m) of the statutes is created to read:  
 24 13.625 (3m) No elective state official and no personal campaign committee of  
 25 an elective state official may solicit a lobbyist or principal to arrange for another

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2872/1dmi  
JTK & RJM::/.....

*JTK*  
*9/5*

*Representative Duff:*

# Please note that the definition of "communication" in proposed s. 11.01 (4m) specifically includes a "mass mailing" as defined in proposed s. 11.01 (13). This feature was not included in SB-115 but you specifically instructed us to include it in the previous draft, so we retained it. Let us know if you want to exclude mass mailings from this definition.

# Please note that, in order not to require overlapping and duplicative reporting, ~~which would be burdensome and difficult to interpret, and to enable potential coverage~~, the definition of "independent expenditure" in proposed s. 11.01 (11m) does not include anything that is currently reportable as a disbursement, even if the disbursement is made independently of a candidate. This means that the additional disbursements and contributions that may be made under proposed s. 11.31 (3r) are not triggered by any activity that is currently reportable as a disbursement. If you intend otherwise, we will need to amend the draft to make proposed s. 11.31 (3r) applicable, in addition, to conventional disbursements made independently of a candidate.

*DWS*  
*DNB* # Under proposed s. 11.06 (1) (cm), which creates a reporting mechanism for candidates who wish to take advantage of the opportunity to use certain contributions to make additional disbursements in response to independent ("issue advocacy") expenditures for mass communications or disbursements made by opposing candidates exceeding the applicable level or limit, this draft permits a candidate to identify contributions or parts thereof *previously received* for use in making the additional disbursements authorized by the draft. This seemed necessary to us to permit a prompt response. Please let us know if you intend differently.

# Under current law, s. 11.26 (8) (a) and (b), stats., which are the PAC-to-party contribution limits, apply to a political party as defined in s. 5.02 (13), stats., which includes "a state committee... and all county, congressional, legislative, local and other affiliated committees authorized to operate under the same name". Since we believe the current language satisfies your intent and this draft preserves the coverage of these provisions, we did not change their applicability. This treatment is the same as was provided in AB-726.

# Recently, Senator Kanavas raised the issue that the provisions in SB-104 for matching certain independent expenditures for mass communications did not adequately address the contingency where a communication related to more than one

candidate, so that a multiple match might be possible. This draft does not include an analogous matching provision, although it does provide, in proposed s. 11.31 (3r), certain concessions to candidates who are adversely affected by certain independent expenditures. One could well argue that even if a communication contained a reference to several candidates, each of them may need to respond utilizing an amount equivalent to the full amount expended for the original communication, so that there is no problem with this draft that corresponds to the potential multiple match in SB-104. If, however, you would nevertheless like to treat this issue differently, please let us know. ✓

# In s. 71.10 (3) (a), stats., which relates to the income tax checkoff, we believe that the reference to individuals who are entitled to a refund needs to be deleted in order to effect your intent because this would encompass individuals who have no tax liability and would therefore receive no credit. We have therefore incorporated that change in this draft. Marc Shovers, who drafted this originally, is not in the office at this time so we will be following up to ensure that this language, as changed, is complete and correct. We will let you know if we determine that something more is needed. ✓

JWS DNA

→  
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DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2872/4dni2  
JTK & RJM.....

JNS  
DNB

#

Also in this connection, s. 11.06 (2), stats, currently exempts individuals other than candidates and committees or groups not organized primarily for political purposes from reporting requirements if they make disbursements or incur obligations for a purpose other than making a contribution or express advocacy. This exemption tracks the bounds of disclosure requirements that are currently enforceable under *Buckley v. Valeo et al.*, 96 S.Ct. 612, 663-664 (1976). You may therefore wish to exempt individuals, committees and groups who are exempt from reporting under s. 11.06 (2), stats. ~~from reporting requirements under proposed s. 11.06~~ Alternatively, ~~you could~~ you could limit the current exemption under s. 11.06 (2), stats, so that an individual, committee, or group that makes either independent expenditures as defined in proposed s. 11.01 (11m) or independent disbursements for the same purpose under current law would be ~~not~~ subject to reporting requirements. However, because the latter approach extends beyond what is currently permitted in *Buckley* at pp. 663-664, we would not recommend it.

Create  
a  
corresponding  
exemption  
under  
s. 11.06  
for

under  
proposed  
s. 11.06

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4780/ran  
JTK/RJM:kg:pg

~~January 28, 2002~~

~~DATE~~  
PWS DNA

~~Representative Draft:~~

1. Concerning proposed s. 11.19 (6), you may wish to exempt candidates for partisan office at a special election that is called concurrently with the spring election from the prohibition on retention of certain campaign moneys after December 31 of even-numbered years.
2. In adjusting the percentage qualifier for grant applicants, we noted that a sentence in s. 11.50 (2) (b) 5., stats., was inadvertently stricken in a previous draft and carried into this draft. This sentence relates to the first \$100 of a contribution of more than \$100 being counted towards the qualifier. Because this appeared to us to be a mistake, this draft restores that sentence.

# Currently, ch. 11, stats., generally requires disclosure of financial activity by individuals and committees seeking to influence the election or defeat of candidates for state or local office [see ss. 11.01 (6), (7), (11), and (16), 11.05, and 11.06, stats.], unless a disbursement is made or obligation incurred by an individual other than a candidate or by a committee which is not organized primarily for political purposes, the disbursement is not a contribution as defined in the law, and the disbursement is not made to expressly advocate the election or defeat of a clearly identified candidate [see s. 11.06 (2), stats.]. This language pretty closely tracks the holding of the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612, 656-664 (1976), which prescribes the boundaries of disclosure that may be constitutionally enforced (except as those requirements affect certain minor parties and independent candidates). Proposed ss. 11.01 (4m) and (11m) and 11.065, which require registration and reporting by individuals who or committees that make certain mass communications within specified periods preceding an election containing a reference to a candidate at that election or an office to be filled at that election, or a political party, appear to extend beyond the boundaries which the court permitted in 1976. As a result, the enforceability of these provisions at the current time appears to rest upon a shift by the court in its stance on this issue. In this connection, see also *North Carolina Right to Life, Inc., v. Bartlett*, 168 F. 3d 705 (4th Cir. 1999), cert. denied, 120 S. Ct. 1156 (2000), in which the court voided North Carolina's attempt to regulate issue advocacy as inconsistent with *Buckley*.

keep comma

~~We want to note briefly that a few of the provisions of this draft are innovative, and we do not yet have, to our knowledge, specific guidance from the U.S. Supreme Court concerning the enforceability of provisions of these types. It is well possible that a court~~

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2872/4dn  
JTK&RJM:cjs:ch

February 19, 2002

Representative Duff:

1. Please note that the definition of "communication" in proposed s. 11.01 (4m) specifically includes a "mass mailing" as defined in proposed s. 11.01 (13). This feature was not included in SB-115 but you specifically instructed us to include it in the previous draft, so we retained it. Let us know if you want to exclude mass mailings from this definition.

2. Please note that, in order not to require overlapping and duplicative reporting, the definition of "independent expenditure" in proposed s. 11.01 (11m) does not include anything that is currently reportable as a disbursement, even if the disbursement is made independently of a candidate. This means that the additional disbursements and contributions that may be made under proposed s. 11.31 (3r) are not triggered by any activity that is currently reportable as a disbursement. If you intend otherwise, we will need to amend the draft to make proposed s. 11.31 (3r) applicable, in addition, to conventional disbursements made independently of a candidate.

3. Also in this connection, s. 11.06 (2), stats., currently exempts individuals other than candidates and committees or groups not organized primarily for political purposes from reporting requirements if they make disbursements or incur obligations for a purpose other than making a contribution or express advocacy. This exemption tracks the bounds of disclosure requirements that are currently enforceable under *Buckley v. Valeo et al.*, 96 S.Ct. 612, 663-664 (1976). You may therefore wish to create a corresponding exemption under proposed s. 11.065 for individuals, committees, and groups who are exempt from reporting under s. 11.06 (2), stats. Alternatively, you could limit the current exemption under s. 11.06 (2), stats., so that an individual, committee, or group that makes either independent expenditures as defined in proposed s. 11.01 (11m) or independent disbursements for the same purpose under current law would be subject to reporting requirements under proposed s. 11.065. However, because the latter approach extends beyond what is currently permitted in *Buckley* at pp. 663-664, we would not recommend it.

4. Under proposed s. 11.06 (1) (cm), which creates a reporting mechanism for candidates who wish to take advantage of the opportunity to use certain contributions to make additional disbursements in response to independent ("issue advocacy") expenditures for mass communications or disbursements made by opposing

candidates exceeding the applicable level or limit, this draft permits a candidate to identify contributions or parts thereof *previously received* for use in making the additional disbursements authorized by the draft. This seemed necessary to us to permit a prompt response. Please let us know if you intend differently.

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6. Recently, Senator Kanavas raised the issue that the provisions in SB-104 for matching certain independent expenditures for mass communications did not adequately address the contingency where a communication related to more than one candidate, so that a multiple match might be possible. This draft does not include an analogous matching provision, although it does provide, in proposed s. 11.31 (3r), certain concessions to candidates who are adversely affected by certain independent expenditures. One could well argue that even if a communication contained a reference to several candidates, each of them may need to respond utilizing an amount equivalent to the full amount expended for the original communication, so that there is no problem with this draft that corresponds to the potential multiple match in SB-104. If, however, you would nevertheless like to treat this issue differently, please let us know.

7. In s. 71.10 (3) (a), stats., which relates to the income tax checkoff, we believe that the reference to individuals who are entitled to a refund needs to be deleted in order to effect your intent because this would encompass individuals who have no tax liability and would therefore receive no credit. We have therefore incorporated that change in this draft. Marc Shovers, who drafted this originally, is not in the office at this time so we will be following up to ensure that this language, as changed, is complete and correct. We will let you know if we determine that something more is needed.

8. Currently, ch. 11, stats., generally requires disclosure of financial activity by individuals and committees seeking to influence the election or defeat of candidates for state or local office [see ss. 11.01 (6), (7), (11), and (16), 11.05, and 11.06, stats.], unless a disbursement is made or obligation incurred by an individual other than a candidate or by a committee which is not organized primarily for political purposes, the disbursement is not a contribution as defined in the law and the disbursement is not made to expressly advocate the election or defeat of a clearly identified candidate [see s. 11.06 (2), stats.]. This language pretty closely tracks the holding of the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612, 656-664 (1976), which prescribes the boundaries of disclosure that may be constitutionally enforced (except as those requirements affect certain minor parties and independent candidates). Proposed ss. 11.01 (4m) and (11m) and 11.065, which require registration and reporting by individuals who or committees that make certain mass communications within

specified periods preceding an election containing a reference to a candidate at that election, appear to extend beyond the boundaries which the court permitted in 1976. As a result, the enforceability of these provisions at the current time appears to rest upon a shift by the court in its stance on this issue. In this connection, see also *North Carolina Right to Life, Inc., v. Bartlett*, 168 F. 3d 705 (4th Cir. 1999), cert. denied, 120 S. Ct. 1156 (2000), in which the court voided North Carolina's attempt to regulate issue advocacy as inconsistent with *Buckley*.

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## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Tuesday, February 19, 2002 11:33 AM  
**To:** Kennedy, Kevin  
**Subject:** LRB-2872/4 (attached - from JTK)



01-2872/4

Per  
JTK

*Mike Barman*

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