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1 **SECTION 89.** 11.31 (3n) of the statutes is created to read:

2 **11.31 (3n) DISBURSEMENTS BY OPPOSING CANDIDATES FOR CERTAIN STATE OFFICES.**

3 If a candidate for a state office specified in sub. (1) (a) to (d), (e), or (f) in any campaign
4 who has filed an affidavit under sub. (2m) determines that an opposing candidate
5 who has not filed an affidavit under sub. (2m) has made disbursements exceeding the
6 amount of the disbursement level applicable to that candidate under sub. (1), as
7 adjusted under sub. (9), then that candidate and each of his or her opponents may
8 make additional contributions to his or her own campaign exceeding the amount
9 authorized under s. 11.26 (10) and may make additional disbursements in that
10 campaign exceeding the amount authorized under sub. (1), as adjusted under sub.
11 (9), in an amount equivalent to the lesser of the total contributions made by the
12 opposing candidate to his or her own campaign or the amount by which the total
13 disbursements made by the opposing candidate exceed the disbursement limitation
14 or level applicable to that candidate under sub. (1), as adjusted under sub. (9), as
15 reported to the board by the opposing candidate or his or her personal campaign
16 committee. In addition, contributions to that candidate and to each of his or her
17 opponents may be made as authorized under s. 11.26 (9m).

18 **SECTION 90.** 11.31 (3r) of the statutes is created to read:

19 **11.31 (3r) INDEPENDENT EXPENDITURES; CANDIDATES FOR CERTAIN STATE OFFICES.**

20 (a) If a candidate for a state office specified in sub. (1) (a) to (d), (e), or (f) has filed
21 an affidavit under sub. (2m) the board receives a report under s. 11.065 that an
22 independent expenditure has been made for the purpose of making a communication
23 in opposition to the candidate, or in support of a candidate whose name is certified
24 under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the
25 candidate, other than for the purpose of making a communication described in s.

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1 11.29 or 11.30 (4m), the board shall, no later than the end of the 3rd calendar day
2 after receiving the report under s. 11.065, issue a determination that the candidate
3 may make additional disbursements in that campaign exceeding any limitation
4 imposed under sub. (2) or agreed to under sub. (2m) in an amount equivalent to the
5 amount of the independent expenditure, as reported under s. 11.065, and that
6 contributions to the candidate may be made as authorized under s. 11.26 (9m).

7 (b) The board shall immediately file a written copy of its determination with
8 each of the candidates for the office that the candidate seeks.

9 **SECTION 91.** 11.31 (4) of the statutes is repealed.

10 **SECTION 92.** 11.31 (9) of the statutes is created to read:

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

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

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1 under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3),
2 determinations under this subsection may be promulgated as an emergency rule
3 under s. 227.24 without providing evidence that the emergency rule is necessary for
4 the public peace, health, safety, or welfare and without a finding of emergency.

5 **SECTION 93.** 11.38 (6) of the statutes is amended to read:

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

11 **SECTION 94.** 11.385 of the statutes is created to read:

12 **11.385 Certain contributions prohibited.** (1) In this section, "floorperiod"
13 means a floorperiod of the legislature, as scheduled by joint resolution, for a regular
14 legislative session.

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

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

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

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

13 **SECTION 95.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

14 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general
15 account:

16 **SECTION 96.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

17 **SECTION 97.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b. and
18 amended to read:

19 11.50 (1) (a) 1. b. With respect to a special election, an individual who is certified
20 under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or
21 an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election
22 for any state office, except district attorney, on the ballot or column of a party whose
23 candidate for the same office at the preceding general election received at least 6%
24 of the vote cast for all candidates on all ballots for the office, or an individual who has
25 been lawfully appointed and certified to replace either such individual on the ballot

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

14 **SECTION 98.** 11.50 (1) (a) 2m. of the statutes is created to read:

15 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
16 account, an individual who is certified under s. 7.08 (2) (a) or 8.50 (1) (d) in the general
17 election or a special election as the candidate of an eligible political party for a state
18 office, other than district attorney, or an individual who has been lawfully appointed
19 and certified to replace such an individual on the ballot at the general or a special
20 election and who has qualified for a grant under sub. (2).

21 **SECTION 99.** 11.50 (1) (am) of the statutes is created to read:

22 11.50 (1) (am) “Eligible political party” means any of the following:

23 1. A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more
24 separate columns or rows on a ballot for the period beginning on the date of the

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1 preceding general election and ending on the day before the general election that
2 follows that election.

3 2. A party qualifying under s. 5.62 (2) for a separate ballot or one or more
4 separate columns or rows on a ballot for the period beginning on the preceding June
5 1, or if that June 1 is in an odd-numbered year, the period beginning on June 1 of the
6 preceding even-numbered year, and ending on May 31 of the 2nd year following that
7 June 1.

8 **SECTION 100.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

9 11.50 (1) (bm) "General account" means the account in the fund created under
10 sub. (2w).

11 (cm) "Political party account" means an account in the fund created under sub.
12 (2s).

13 **SECTION 101.** 11.50 (2) (a) of the statutes is amended to read:

14 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
15 file an application with the board requesting approval to participate in the fund. The
16 application shall be filed no later than the applicable deadline for filing nomination
17 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.
18 on the 7th day after the primary or date on which the primary would be held if
19 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
20 after appointment in the case of candidates appointed to fill vacancies. The
21 application shall contain a sworn statement that the candidate and his or her
22 authorized agents have complied with the contribution limitations prescribed in s.
23 ~~11.26~~ and the disbursement limitations prescribed under s. ~~11.31~~ at all times to
24 which such limitations have applied to his or her candidacy and will continue to
25 comply with the limitations at all times to which the limitations apply to his or her

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1 ~~candidacy for the office in contest, unless the board determines that the candidate~~
2 ~~is not eligible to receive a grant, the candidate withdraws his or her application~~
3 ~~under par. (h), or par. (i) applies~~ applicant shall provide, along with the application,
4 an affidavit under s. 11.31 (2m) (a).

5 **SECTION 102.** 11.50 (2) (b) 4. of the statutes is amended to read:

6 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as
7 of the date of the spring or September primary, or the date that the special primary
8 is or would be held, if required, indicate that his or her statement affidavit filed with
9 ~~the application~~ under ~~par. (a)~~ s. 11.31 (2m) (a) is true; and

10 **SECTION 103.** 11.50 (2) (b) 5. of the statutes is amended to read:

11 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
12 of the date of the spring or September primary, or the date that the special primary
13 is or would be held, if required, indicate that the candidate has received an amount
14 equal to at least the amount provided in this subdivision, from contributions of
15 money, other than loans, made by individuals who reside in this state and, in the case
16 of a candidate for other than a statewide office, by individuals at least 50% of whom
17 reside in a county having territory within the district in which the candidate seeks
18 office, which contributions have been received during the period ending on the date
19 of the spring primary and July 1 preceding such date in the case of candidates at the
20 spring election, or the date of the September primary and January 1 preceding such
21 date in the case of candidates at the general election, or the date that a special
22 primary will or would be held, if required, and 90 days preceding such date or the
23 date a special election is ordered, whichever is earlier, in the case of ~~special election~~
24 candidates at a special election, which contributions are in the aggregate amount of
25 \$100 or less, and which contributions are fully identified and itemized as to the exact

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1 source thereof. A contribution received from a conduit which is identified by the
2 conduit as originating from an individual shall be considered a contribution made by
3 the individual. Only the first \$100 of an aggregate contribution of more than \$100
4 may be counted toward the required percentage. For a candidate at the spring or
5 general election for an office identified in s. 11.26 (1) (a) or a candidate at a special
6 election, the required amount to qualify for a grant is 5% of the candidate's applicable
7 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
8 as provided under s. 11.31 (9). For any other candidate at the general election, the
9 required amount to qualify for a grant is ~~10%~~ 7% of the candidate's applicable
10 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
11 as provided under s. 11.31 (9).

12 **SECTION 104.** 11.50 (2) (f) of the statutes is amended to read:

13 11.50 (2) (f) The board shall inform each candidate in writing of the approval
14 or disapproval of the candidate's application, as promptly as possible after the date
15 of the spring primary, September primary, special primary, or date that the primary
16 would be held, if required. With respect to a candidate at a special election who
17 applies for a postelection grant under sub. (1) (a) ~~2.~~ 1. b., the board shall inform the
18 candidate in writing of the conditional approval or disapproval of the candidate's
19 application at the same time.

20 **SECTION 105.** 11.50 (2) (g) of the statutes is amended to read:

21 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
22 in accordance with this subsection accepts and agrees to comply with the
23 contribution limitations prescribed in s. 11.26 and the disbursement limitations
24 imposed under s. 11.31 (2) as binding upon himself or herself and his or her agents
25 during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant

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1 under this section, unless the board determines that the candidate is not eligible to
2 receive a grant, the candidate withdraws the application under par. (h), ~~or~~ par. (i) or
3 s. 11.31 (3n) applies to the candidate, or the board issues a determination under s.
4 11.31 (3r) applicable to the candidate.

5 **SECTION 106.** 11.50 (2) (h) of the statutes is amended to read:

6 11.50 (2) (h) An eligible candidate who files an application under par. (a) may
7 file a written withdrawal of the application. A withdrawal of an application may be
8 filed with the board no later than the 7th day after the day of the primary in which
9 the person withdrawing the application is a candidate or the 7th day after the date
10 that the primary would be held, if required. If an application is withdrawn in
11 accordance with this paragraph, the person withdrawing the application is no longer
12 bound by the ~~statement~~ affidavit filed under par. ~~(a)~~ s. 11.31 (2m) (a) after the date
13 of the withdrawal.

14 **SECTION 107.** 11.50 (2) (i) of the statutes is amended to read:

15 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring
16 election or a special nonpartisan election who accepts a grant is opposed by one or
17 more candidates in the election, or if an eligible candidate at the general election or
18 a special partisan election who accepts a grant is opposed by one or more candidates
19 in the election who receive at least 6% of the vote cast for all candidates for the same
20 office on all ballots at the September primary or a special partisan primary if a
21 primary was held, and in either case if any such opponent of the eligible candidate
22 does not accept a grant under this section in whole or in part, the eligible candidate
23 is not bound by the pledge made in his or her application to adhere to the contribution
24 limitations prescribed in s. 11.26 and the disbursement limitation prescribed under
25 s. 11.31 (2), unless each such opponent files an affidavit ~~of voluntary compliance~~

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1 under s. 11.31 (2m) (b), s. 11.31 (3n) does not apply to the candidate, and the board
2 has not issued a determination under s. 11.31 (3r) applicable to the candidate.

3 **SECTION 108.** 11.50 (2s) of the statutes is created to read:

4 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) The state chairperson of each eligible
5 political party may, by written request to the board, provide for the establishment
6 or discontinuance of an account within the fund for that political party. Each political
7 party account consists of all moneys designated by individuals for deposit in that
8 account under s. 71.10 (3) (a).

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

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

23 **SECTION 109.** 11.50 (2w) of the statutes is created to read:

24 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
25 the fund consisting of all moneys designated by individuals for deposit in that

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1 account under s. 71.10 (3) (a), all moneys transferred to that account under sub. (2s)
2 (c), and all moneys deposited in the fund under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2),
3 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6).

4 **SECTION 110.** 11.50 (3) (a) 1. of the statutes is renumbered 11.50 (3) (a) 2m. and
5 amended to read:

6 11.50 (3) (a) 2m. If After making any transfer required under subd. 1m. if an
7 election for state superintendent is scheduled in the following year, 8% of the fund
8 shall be placed in the state treasurer shall transfer an amount sufficient to finance
9 payment of the full amount of the grants authorized under sub. (9) (a) for candidates
10 for the office of state superintendent to a superintendency account. From this
11 account, an equal amount shall be disbursed to the campaign depository account of
12 each eligible candidate by the state treasurer. Any unencumbered balance in the
13 superintendency account after an election for the office of state superintendent is
14 held shall revert to the general account.

15 **SECTION 111.** 11.50 (3) (a) 2. of the statutes is renumbered 11.50 (3) (a) 1m. and
16 amended to read:

17 11.50 (3) (a) 1m. If an election for justice is scheduled in the following year, 8%
18 of the fund shall be placed in the state treasurer shall transfer an amount sufficient
19 to finance payment of the full amount of the grants authorized under sub. (9) (b) for
20 candidates for the office of justice to a supreme court account. From this account, an
21 equal amount shall be disbursed to the campaign depository account of each eligible
22 candidate by the state treasurer. Any unencumbered balance in the supreme court
23 account after an election for the office of justice is held shall revert to the general
24 account.

25 **SECTION 112.** 11.50 (3) (b) of the statutes is amended to read:

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1 11.50 (3) (b) If a vacancy occurs in the office of justice after August 15 in any
2 year and an election is scheduled to fill the vacancy at the spring election in the
3 following year, the state treasurer shall transfer an amount sufficient to finance
4 payment of the full amount of the grants authorized under sub. (9) (b) for candidates
5 for the office of justice to the supreme court account. If a vacancy occurs in the office
6 of state superintendent ~~or justice~~ after August 15 in any year and an election is
7 scheduled to fill the vacancy at the spring election in the following year, the state
8 treasurer shall, ~~after making any transfer that is required to be made to the supreme~~
9 ~~court account,~~ transfer an amount not exceeding 8% of the moneys transferred to the
10 ~~fund on the preceding August 15~~ sufficient to finance payment of the full amount of
11 the grants authorized under sub. (9) (a) for candidates for the office of state
12 superintendent to the superintendency account for the office in which the vacancy
13 ~~occurs, such.~~ The moneys to shall be drawn transferred from any account within the
14 accounts created under sub. (4) in the amount or amounts specified by the board.

15 **SECTION 113.** 11.50 (3) (c) of the statutes is created to read:

16 11.50 (3) (c) If there are insufficient moneys in the fund to make any transfer
17 that is required to be made under par. (a) or (b), the state treasurer shall transfer the
18 balance in the fund to the account to which the transfer is required to be made.

19 **SECTION 114.** 11.50 (4m) of the statutes is created to read:

20 11.50 (4m) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make
21 payment of each grant to an eligible candidate from the political party account of that
22 candidate's political party, if any, if there are sufficient moneys in that account to
23 make full payment of the grant, and then from the general account. The amount of
24 each grant is the amount specified in sub. (9), except as provided in sub. (10) and
25 except that if there are insufficient moneys in the account for any office within the

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1 general account to make payment of the full amount of the grant for which a
2 candidate qualifies, the board shall first allocate available moneys in that account
3 to equalize payments of grants to all eligible candidates for each office for which any
4 candidate has received payments from a political party account, and thereafter shall
5 prorate any remaining available moneys in that account to all eligible candidates
6 who qualify to receive a grant from that account.

7 **SECTION 115.** 11.50 (5) of the statutes is amended to read:

8 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
9 disbursements of grants under sub. (9) to the campaign depository account of each
10 eligible candidate ~~under subs. (3) and (4)~~ by the end of the 3rd business day following
11 notice from the board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor
12 and lieutenant governor of the same political party may combine accounts if desired.

13 **SECTION 116.** 11.50 (6) of the statutes is amended to read:

14 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
15 eligible candidate ~~under subs. (3) and (4)~~ are more than the amount which a
16 candidate may accept under sub. (9), or more than the amount which a candidate
17 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

18 **SECTION 117.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
19 to read:

20 11.50 (9) (a) ~~The~~ Except as provided in pars. (c) and (d), the total grant available
21 to an eligible candidate for an office other than the office of justice may not exceed
22 that amount which, when added to all other contributions accepted from sources
23 other than individuals, and political party committees and legislative campaign
24 committees, is equal to 45% of the disbursement level specified for the applicable
25 office under s. 11.31 (1), adjusted as provided under s. 11.31 (9).

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

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

6 **SECTION 118.** 11.50 (9) (b) to (d) of the statutes are created to read:

7 11.50 (9) (b) Except as provided in pars. (c) and (d), the total grant available
8 to an eligible candidate for the office of justice may not exceed that amount which,
9 when added to all other contributions accepted from sources other than individuals
10 political party committees, is equal to 65% of the disbursement level specified for that
11 office under s. 11.31 (1), as adjusted under s. 11.31 (9).

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

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

22 **SECTION 119.** 11.50 (10m) of the statutes is amended to read:

23 11.50 (10m) **RETURN OF GRANTS.** An individual who receives a grant prior to an
24 election in which he or she is a candidate and who desires to return any portion of
25 the grant shall return that portion no later than the 2nd Tuesday in October

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1 preceding a general election, the 4th Tuesday preceding a spring election or the 3rd
2 Tuesday preceding a special election. A candidate who returns all or any portion of
3 a grant under this subsection remains bound by the candidate's statement affidavit
4 filed under sub. ~~(2) (a)~~ s. 11.31 (2m) (a).

5 **SECTION 120.** 11.50 (11) (e) of the statutes is amended to read:

6 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
7 any obligation to expend any grant if he or she violates the pledge affidavit required
8 under sub. (2) (a) as a precondition to receipt of a grant, ~~except as authorized in sub.~~
9 ~~(2) (h) or (i)~~.

10 **SECTION 121.** 11.50 (14) of the statutes is created to read:

11 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each
12 even-numbered year, the board shall certify to the secretary of revenue:

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

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

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

22 **SECTION 122.** 11.60 (1) and (2) of the statutes are amended to read:

23 11.60 (1) Any person, including any committee or group, who violates this
24 chapter may be required to forfeit not more than ~~\$500~~ \$1,500 for each violation.

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

6 **SECTION 123.** 11.61 (1) of the statutes is amended to read:

7 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
8 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than ~~\$10,000~~
9 \$30,000 or imprisoned for not more than ~~4~~ 13 years and 6 months or both.

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

15 (c) Whoever intentionally violates any provision of this chapter other than
16 those provided in par. (a) and whoever intentionally violates any provision under par.
17 (b) where the intentional violation concerns a specific figure which does not exceed
18 \$100 in amount or value may be fined not more than ~~\$1,000~~ \$3,000 or imprisoned for
19 not more than ~~6 months~~ one year in the county jail or both.

20 **SECTION 124.** 11.66 of the statutes is renumbered 11.66 (1) and amended to
21 read:

22 11.66 (1) Any elector may sue for injunctive relief to compel compliance with
23 this chapter. Before commencing any action concerning ~~a~~ an election for state office
24 or a statewide referendum, an elector shall file a verified complaint with the
25 executive director of the board under s. 5.066 (2) alleging such facts as are within his

BILL

1 or her knowledge to show probable cause to believe that a violation has occurred or
2 is proposed to occur. If The verified complaint shall include a notice that the elector
3 intends to seek relief under this section. Except as provided in sub. (2), if the
4 executive director of the board fails to commence an action order the relief that is
5 sought by the elector under s. 5.066 (5) within 10 days of the filing of the complaint
6 and the elector does not appeal the matter to the board under s. 5.066 (8) or the board,
7 after hearing the elector's appeal, does not order the relief sought by the elector
8 under s. 5.066 (9), the elector may commence an action.

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

14 SECTION 125. 11.66 (2) of the statutes is created to read:

15 11.66 (2) If the complaint relates to a matter specified in s. 5.066 (12) (a), the
16 elector may commence an action under sub. (1) upon compliance with sub. (1).

17 SECTION 126. 12.05 of the statutes is amended to read:

18 12.05 False representations affecting elections. No person may
19 knowingly make or publish, or cause to be made or published, a false representation
20 pertaining to a candidate or referendum which that is intended or tends to affect
21 voting at an election. This section does not apply to any information reported by a
22 person making an independent expenditure, as defined in s. 11.01 (11m), under s.
23 11.065 (2).

24 SECTION 127. 19.42 (3m), (4g), (4r) and (7p) of the statutes are created to read:

BILL

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

3 (4g) "Clearly identified," when used in reference to a communication
4 containing a reference to a person, means one of the following:

5 (a) The person's name appears.

6 (b) A photograph or drawing of the person appears.

7 (c) The identity of the person is apparent by unambiguous reference.

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

13 (7p) "Independent expenditure" has the meaning given in s. 11.01 (11m).

14 **SECTION 128.** 19.45 (13) of the statutes is created to read:

15 19.45 (13) No state public official holding an elective office may, directly or by
16 means of an agent, give, or offer or promise to give, or withhold, or offer or promise
17 to withhold, his or her vote or influence, or promise to take or refrain from taking
18 official action with respect to any proposed or pending matter in consideration of, or
19 upon condition that, any other person make or refrain from making a political
20 contribution, or provide or refrain from providing any service or other thing of value,
21 to or for the benefit of a candidate, a political party, any other person who is subject
22 to a registration requirement under s. 11.05, or any person who makes an
23 independent expenditure for the purpose of making a communication that contains
24 a reference to a candidate for state public office.

25 **SECTION 129.** 19.49 (1m) of the statutes is created to read:

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

6 **SECTION 130.** 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and amended
7 to read:

8 19.49 (5) (a) ~~No~~ Except as provided in par. (b), no action may be taken on any
9 complaint ~~which~~ that is filed later than 3 years after a violation of this subchapter
10 or subch. III of ch. 13 is alleged to have occurred.

11 **SECTION 131.** 19.49 (5) (b) of the statutes is created to read:

12 19.49 (5) (b) The period of limitation under par. (a) is tolled for a complaint
13 alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such
14 a complaint may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

15 **SECTION 132.** 19.53 (6) of the statutes is amended to read:

16 19.53 (6) An order requiring the accused to forfeit not more than \$500 for each
17 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of
18 any other provision of this subchapter, or not more than the applicable amount
19 specified in s. 13.69 for each violation of subch. III of ch. 13; ~~and, if,~~ If the board
20 determines that the accused has realized economic gain as a result of the violation,
21 ~~an~~ the board may, in addition, order requiring the accused to forfeit the amount
22 gained as a result of the violation. In addition, if the board determines that a state
23 public official has violated s. 19.45 (13), the board may order the official to forfeit an
24 amount equal to the amount or value of any political contribution, service, or other
25 thing of value that was wrongfully obtained. If the board determines that a state

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1 public official has violated s. 19.45 (13) and no political contribution, service, or other
 2 thing of value was obtained, the board may order the official to forfeit an amount
 3 equal to the maximum contribution authorized under s. 11.26 (1) for the office held
 4 or sought by the official, whichever amount is greater. The attorney general, when
 5 so requested by the board, shall institute proceedings to recover any forfeiture
 6 incurred under this section or s. 19.545 which is not paid by the person against whom
 7 it is assessed.

8 **SECTION 133.** 19.535 of the statutes is created to read:

9 **19.535 Direct enforcement.** If the board refuses or otherwise fails to
 10 authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13)
 11 within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13),
 12 the person making the complaint may bring an action to recover the forfeiture under
 13 s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such
 14 actions, the court may award actual and necessary costs of prosecution, including
 15 reasonable attorney fees, to the relator if he or she prevails, but any forfeiture
 16 recovered shall be paid to the state. If the court finds in any such action that the
 17 cause of action was frivolous as provided in s. 814.025, the court shall award costs
 18 and fees to the defendant under that section.

19 **SECTION 134.** 19.59 (1) (br) of the statutes is created to read:

20 **19.59 (1) (br)** No local public official holding an elective office may, directly or
 21 by means of an agent, give, or offer or promise to give, or withhold, or offer or promise
 22 to withhold, his or her vote or influence, or promise to take or refrain from taking
 23 official action with respect to any proposed or pending matter in consideration of, or
 24 upon condition that, any other person make or refrain from making a political
 25 contribution, or provide or refrain from providing any service or other thing of value,

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1 to or for the benefit of a candidate, a political party, any other person who is subject
2 to a registration requirement under s. 11.05, or any person who makes an
3 independent expenditure for the purpose of making a communication that contains
4 a reference to a candidate for local public office.

5 **SECTION 135.** 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and amended
6 to read:

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

12 **SECTION 136.** 19.59 (7) (b) of the statutes is created to read:

13 19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not
14 more than \$1,000 for each violation, and, if the court determines that a local public
15 official has violated sub. (1) (br) and no political contribution, service, or other thing
16 of value was obtained, the court may, in addition, order the accused to forfeit an
17 amount equal to the maximum contribution authorized under s. 11.26 (1) for the
18 office held or sought by the official, whichever amount is greater.

19 **SECTION 137.** 19.59 (8) (c) of the statutes is amended to read:

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

25 **SECTION 138.** 19.59 (8) (cm) and (cn) of the statutes are created to read:

BILL**SECTION 138**

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

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

15 **SECTION 139.** 25.42 of the statutes is amended to read:

16 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
17 s. 20.855 (4) (b) together with all moneys deposited under ss. 8.35 (4) (a), 11.07 (5),
18 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting to the state
19 under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13)
20 constitute the Wisconsin election campaign fund, to be expended for the purposes of
21 s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue
22 to accumulate indefinitely.

23 **SECTION 140.** 71.07 (6s) of the statutes is created to read:

24 **71.07 (6s) CAMPAIGN FUND TAX CREDIT.** (a) *Definitions.* In this subsection:

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

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

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

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

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

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

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

14 **SECTION 141.** 71.10 (3) (a) of the statutes is amended to read:

15 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
16 ~~or is entitled to a tax refund~~ may designate \$1 up to \$5 for transfer to the Wisconsin
17 election campaign fund for the use of eligible candidates under s. 11.50. If the
18 individuals filing a joint return have a tax liability ~~or are entitled to a tax refund~~,
19 each individual may make a designation of \$1 up to \$5 under this subsection. Each
20 individual making a designation shall indicate whether the amount designated by
21 that individual shall be placed in the general account for the use of all eligible
22 candidates for state office, or in the account of an eligible political party whose name
23 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not
24 indicate that the amount of his or her designation shall be placed in the account of

BILL**SECTION 141**

1 a particular eligible political party, that amount shall be placed in the general
2 account.

3 **SECTION 142.** 71.10 (3) (b) of the statutes is amended to read:

4 71.10 (3) (b) The secretary of revenue shall provide a place for these
5 designations under par. (a) on the face of the individual income tax return and shall
6 provide next to that place a statement that a designation will ~~not~~ increase tax
7 liability, and that the amount of a designation may be claimed as a credit under s.
8 71.07 (6s). Annually on August 15, the secretary of revenue shall certify to the
9 elections board, the department of administration and the state treasurer ~~under s.~~
10 11.50 the total amount of designations made on returns processed by the department
11 of revenue during the preceding fiscal year and the amount of designations made
12 during that fiscal year for the general account and for the account of each eligible
13 political party. If any individual designates an amount greater than the amount
14 authorized under par. (a) or attempts to place any condition or restriction upon a
15 designation not authorized under par. (a), that individual is deemed not to have made
16 a designation on his or her tax return.

17 **SECTION 143.** 71.10 (4) (cs) of the statutes is created to read:

18 71.10 (4) (cs) The campaign fund tax credit under s. 71.07 (6s).

19 **SECTION 144.** 227.03 (6m) of the statutes is created to read:

20 227.03 (6m) Cases before the executive director of the elections board under
21 s. 5.066 are not subject to ss. 227.42 and 227.44 to 227.50.

22 **SECTION 145.** 227.52 (8) of the statutes is created to read:

23 227.52 (8) The decisions of the executive director of the elections board under
24 s. 5.066.

25 **SECTION 146. Nonstatutory provisions.**

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

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

6 (a) Using the procedure under section 227.24 of the statutes, the elections
7 board may promulgate the rules required under section 11.21 (17) of the statutes, as
8 created by this act, for the period before the effective date of the permanent rules, but
9 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
10 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the elections
11 board is not required to provide evidence that promulgating rules under this
12 paragraph as emergency rules is necessary for the preservation of the public peace,
13 health, safety, or welfare and is not required to provide a finding of emergency for any
14 rule promulgated under this paragraph.

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

19 **SECTION 147. Initial applicability.**

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

23 (2) CONTRIBUTIONS TRANSFERRED BY CONDUITS. The treatment of section 11.06 (1)
24 (dm) and (11) (bm) of the statutes first applies to reporting periods for continuing

BILL

1 reports under section 11.20 (4) of the statutes that begin on the effective date of this
2 subsection.

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

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

9 (END)

Emery, Lynn

From: Duff, Marc
Sent: Tuesday, February 19, 2002 1:52 PM
To: LRB.Legal
Subject: Draft review: LRB-2872/4 Topic: Campaign finance and related changes

It has been requested by <Duff, Marc> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-2872/4 Topic: Campaign finance and related changes

Barman, Mike

From: Kuesel, Jeffery
Sent: Tuesday, February 19, 2002 5:51 PM
To: Kennedy, Kevin; Uecker, Deborah; Barman, Mike
Cc: Rep.Duff; Griffiths, Terri; Marchant, Robert
Subject: LRB-2872/5 Fiscal estimate

Kevin, Deborah and Mike-

We have just redrafted LRB-2872/4 to remove the Joint Survey Committee on Tax Exemptions tag line from the analysis, which was incorrectly included. This is the only change from /4 to /5. Please change all fiscal estimate documents to refer to /5 rather than /4. An executive session is scheduled for Thursday, 2/21, early AM. Thank you.

Jeffery Kuesel
Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us

Barman, Mike

From: Uecker, Deborah
Sent: Wednesday, February 20, 2002 8:26 AM
To: Kuesel, Jeffery
Cc: Barman, Mike
Subject: RE: LRB-2872/5 Fiscal estimate

Jeff, another fiscal estimate assignment for 2872/5 needs to be entered by Mike (or others) and I'll send the Elections Board a new FE assignment. The Fiscal Estimate System does not allow the version to be changed. Once the estimate is back for /5 I can make the assignment for /4 inactive on the system. This is done to allow any work the Elections Board has done for /4 to be copied on the /5 estimate.

-----Original Message-----

From: Kuesel, Jeffery
Sent: Tuesday, February 19, 2002 5:51 PM
To: Kennedy, Kevin; Uecker, Deborah; Barman, Mike
Cc: Rep.Duff; Griffiths, Terri; Marchant, Robert
Subject: LRB-2872/5 Fiscal estimate

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Jeffery Kuesel
Managing Attorney
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jeffery.kuesel@legis.state.wi.us

Barman, Mike

From: Barman, Mike
Sent: Wednesday, February 20, 2002 8:33 AM
To: Kennedy, Kevin
Subject: LRB-2872/5 (attached - from JTK)



01-2872/5

Mike Barman

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

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

Basford, Sarah

From: Basford, Sarah
Sent: Wednesday, February 20, 2002 10:03 AM
To: Rep.Duff
Subject: LRB -2872/5 (attached)



01-2872/5

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Memo

To: Rep. Duff

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2001 draft.

LRB Number: LRB -2872

Version: "/5"

Entered In Computer And Copy Sent To Requestor Via E-Mail: 02 / 20 / 2002

Fiscal Estimate Prepared By: (agency abbr.) ELB

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

* * * * *

To: LRB - Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this draft is **re-drafted** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.
- If this draft is **introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.
Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- If this draft is **introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts intro. number below and give this fiscal estimate to MIKE (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2001 AB-843

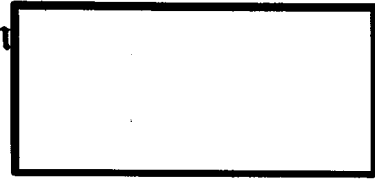
Barman, Mike

From: Barman, Mike
Sent: Wednesday, February 20, 2002 1:08 PM
To: Rep.Duff
Subject: LRB-2872/5 (FE by ELB - attached - for your review)



FE_Duff.pdf

FE_Duff.pdf



CORRECTIONS IN:

CCC (LRB-2872/5)

2001 ASSEMBLY BILL 843

()

Prepared by the Legislative Reference Bureau
(Date???????????)

1. Page 49, line 17: delete "s. 11.31 (3n) or" and substitute "sub. (3n) or s.".
2. Page 51, line 21: delete "(2m)" and substitute "(2m) and".

KMG:

.....

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.



State of Wisconsin
2001-2002 LEGISLATURE

CORRECTIONS IN:

2001 ASSEMBLY BILL 843

Prepared by the Legislative Reference Bureau
(February 25, 2002)

1. Page 49, line 17: delete "s. 11.31 (3n) or" and substitute "sub. (3n) or s.".
2. Page 51, line 21: delete "(2m)" and substitute "(2m) and".

LRB-2872/5ccc-1

KMG:ch

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.