

ENGROSSED ASSEMBLY BILL 843

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

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

5 **SECTION 60.** 11.26 (2) (ae), (am), (as) and (av) of the statutes are created to read:

6 11.26 (2) (ae) Candidates for lieutenant governor, \$12,000.

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

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

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

10 **SECTION 61.** 11.26 (2) (b) and (c) of the statutes are amended to read:

11 11.26 (2) (b) Candidates for state senator, \$1,000 \$1,500.

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

13 **SECTION 61g.** 11.26 (2m) of the statutes is created to read:

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

21 (a) Candidates for governor, \$21,750.

22 (ae) Candidates for lieutenant governor, \$6,000.

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

24 (as) Candidates for state superintendent or justice, \$6,000.

25 (av) Candidates for secretary of state or state treasurer, \$4,325.

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

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

3 **SECTION 61r.** 11.26 (2t) of the statutes is created to read:

4 11.26 (2t) The limitations under sub. (2m) apply to any candidate who files an
5 affidavit under s. 11.31 (2m) (a) but who the board determines is ineligible to receive
6 a grant from the Wisconsin election campaign fund, who withdraws his or her
7 application for a grant under s. 11.50 (2) (h), or to whom s. 11.50 (2) (i) applies, unless
8 the candidate subsequently files an affidavit under s. 11.31 (2m) (b). If a candidate
9 files an affidavit under s. 11.31 (2m) (b), the limitations under sub. (2) apply to that
10 candidate beginning on the date that the affidavit is filed. Contributions made before
11 the date on which a limitation changes under this subsection are lawful if the
12 contributions were lawful at the time they were made.

13 **SECTION 62.** 11.26 (3) of the statutes is amended to read:

14 11.26 (3) The contribution limitations of subs. (1) and, (1m), (2), and (2m) apply
15 cumulatively to the entire primary and election campaign in which a candidate
16 participates, whether or not there is a contested primary election. The total
17 limitation may be apportioned in any manner desired between the primary and
18 election. All moneys cumulate regardless of the time of contribution.

19 **SECTION 63.** 11.26 (4) of the statutes is amended to read:

20 11.26 (4) ~~No Subject to sub. (10a), no~~ individual may make any contribution or
21 contributions to all candidates for state and local offices and to any individuals who
22 or committees which are subject to a registration requirement under s. 11.05,
23 including ~~legislative campaign committees and~~ committees of a political party, to the
24 extent of more than a total of \$10,000 in any calendar year.

25 **SECTION 64.** 11.26 (5) of the statutes is amended to read:

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

8 **SECTION 65.** 11.26 (6) of the statutes is amended to read:

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

16 **SECTION 66.** 11.26 (8) of the statutes is amended to read:

17 11.26 (8) (a) ~~No~~ Subject to sub. (10a), no political party as defined in s. 5.02 (13)
18 may receive more than a total of ~~\$150,000~~ \$450,000 in value of its contributions in
19 any biennium from all other committees, excluding ~~contributions from legislative~~
20 ~~campaign committees and transfers between party committees of the same party.~~
21 In this paragraph, ~~a~~ "biennium commences" means the time period commencing
22 with January 1 of each odd-numbered year and ~~ends~~ ending with December 31 of
23 each even-numbered year.

24 (b) ~~No~~ Subject to sub. (10a), no such political party may receive more than a
25 total of ~~\$6,000~~ \$18,000 in value of its contributions in any calendar year from any

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1 specific committee or ~~its~~ that specific committee's subunits or affiliates, excluding
2 ~~legislative campaign and political transfers between~~ party committees of the same
3 party.

4 (c) ~~No~~ Subject to sub. (10a), no committee, other than a political party ~~or~~
5 ~~legislative campaign~~ committee, may make any contribution or contributions,
6 directly or indirectly, to a political party under s. 5.02 (13) in a calendar year
7 exceeding a total value of \$6,000 \$18,000.

8 **SECTION 67.** 11.26 (9) (a) of the statutes is amended to read:

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

15 **SECTION 68.** 11.26 (9) (b) of the statutes is amended to read:

16 11.26 (9) (b) ~~No~~ Except as provided under sub. (9m), no individual who is a
17 candidate for state or local office may receive and accept more than 45% of the value
18 of the total disbursement level determined under s. 11.31 (1), adjusted as provided
19 under s. 11.31 (9), for the office for which he or she is a candidate during any primary
20 and election campaign combined from all committees other than political party ~~and~~
21 ~~legislative campaign~~ committees subject to a filing requirement.

22 **SECTION 69.** 11.26 (9m) of the statutes is created to read:

23 11.26 (9m) If s. 11.31 (3n) applies to a candidate in any campaign or if the board
24 issues a determination under s. 11.31 (3r) applicable to a candidate in any campaign,
25 the limitations applicable to contributions made to that candidate are 200% of the

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1 applicable amounts specified in sub. (1) and (1m). In addition, except as otherwise
2 provided in this subsection, sub. (9) does not apply to any contributions received by
3 the candidate that the candidate intends to use to make disbursements in response
4 to an opposing candidate's disbursements exceeding the level or limitation
5 applicable to that candidate, as described under s. 11.31 (3n), or an applicable
6 independent expenditure described under s. 11.31 (3r), as reported by the candidate
7 under s. 11.06 (1) (cm), to the extent that the contributions do not exceed the amount
8 of those disbursements described under s. 11.31 (3n) or that independent
9 expenditure described under s. 11.31 (3r). A candidate to whom this subsection
10 applies may not receive contributions in excess of 200% of the limitations specified
11 in sub. (9).

12 **SECTION 70.** 11.26 (10) of the statutes is amended to read:

13 11.26 (10) No candidate for state office who files ~~a sworn statement and an~~
14 application to receive a grant from the Wisconsin election campaign fund and an
15 affidavit under s. 11.31 (2m) (a) may make contributions of more than 200% of the
16 amounts applicable amount specified in sub. (1) to the candidate's own campaign
17 from the candidate's personal funds or property or the personal funds or property
18 which are owned jointly or as marital property with the candidate's spouse, unless
19 the board determines that the candidate is not eligible to receive a grant, the
20 candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.31 (3n) or
21 11.50 (2) (i) applies to the candidate. For purposes of this subsection, any
22 contribution received by a candidate or his or her personal campaign committee from
23 a committee which is registered with the federal elections commission as the
24 authorized committee of the candidate under 2 USC 432 (e) shall be treated as a
25 contribution made by the candidate to his or her own campaign. The contribution

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1 limit of sub. (4) applies to amounts contributed by such a candidate personally to the
2 candidate's own campaign and to other campaigns, except that a candidate may
3 exceed the limitation if authorized under this subsection to contribute more than the
4 amount specified to the candidate's own campaign, up to the amount of the
5 limitation.

6 **SECTION 71.** 11.26 (10a) of the statutes is created to read:

7 11.26 (10a) (a) In this subsection, "consumer price index" means the average
8 of the consumer price index over each 12-month period, all items, U.S. city average,
9 as determined by the bureau of labor statistics of the U.S. department of labor.

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

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1 **SECTION 72.** 11.26 (15) of the statutes is amended to read:

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

7 **SECTION 73.** 11.26 (17) (a) of the statutes is amended to read:

8 11.26 (17) (a) For purposes of application of ~~the limitations imposed in~~ subs.
9 (1), (1m), (2), (2m), (9), (9m), and (10), the “campaign” of a candidate begins and ends
10 at the times specified in this subsection.

11 **SECTION 74.** 11.265 of the statutes is repealed.

12 **SECTION 75.** 11.27 (1) of the statutes is amended to read:

13 11.27 (1) No person may prepare or submit a false report or statement to a filing
14 officer under this chapter. This subsection does not apply to any information
15 reported by a person making an independent expenditure under s. 11.065 (2).

16 **SECTION 75m.** 11.29 (1) of the statutes is amended to read:

17 11.29 (1) Nothing in this chapter restricts any corporation, cooperative or
18 voluntary association other than a political party or personal campaign committee
19 from making disbursements or independent expenditures for the purpose of
20 communicating only with its members, shareholders or subscribers to the exclusion
21 of all other persons, with respect to endorsements of candidates, positions on a
22 referendum or explanation of its views or interests, without reporting such activity.
23 No such corporation, cooperative or voluntary association may solicit contributions
24 or other donations from persons who are not members, shareholders or subscribers
25 to be used for such purposes.

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1 **SECTION 76.** 11.30 (4) of the statutes is amended to read:

2 11.30 (4) No owner or other person with a financial interest in a
3 communications medium may utilize such medium in support of or in opposition to
4 a candidate or referendum except as provided in this chapter.

5 **(4m)** This chapter shall not be construed to restrict fair coverage of bona fide
6 news stories, interviews with candidates and other politically active individuals,
7 editorial comment or endorsement. Such activities need not be reported as a
8 contribution ~~or~~ disbursement, ~~or independent expenditure.~~

9 **SECTION 77.** 11.31 (1) (intro.) of the statutes is amended to read:

10 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are
11 established with reference to the candidates listed below. The levels are subject to
12 adjustment under sub. (9). Except as provided in sub. (2), such levels do not operate
13 to restrict the total amount of disbursements which are made or authorized to be
14 made by any candidate in any primary or other election.

15 **SECTION 78.** 11.31 (1) (a) to (c) of the statutes are amended to read:

16 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$2,750,000.

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

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

19 **SECTION 79.** 11.31 (1) (cg) and (cr) of the statutes are created to read:

20 11.31 (1) (cg) Candidates for justice, \$400,000.

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

22 **SECTION 80.** 11.31 (1) (d) of the statutes is amended to read:

23 11.31 (1) (d) Candidates for secretary of state, ~~or state treasurer, justice or state~~
24 ~~superintendent,~~ ~~\$215,625~~ \$300,000.

25 **SECTION 81.** 11.31 (1) (dm) of the statutes is repealed.

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1 **SECTION 82.** 11.31 (1) (e) and (f) of the statutes are amended to read:

2 11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and~~
3 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~
4 ~~election~~ \$112,500.

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

8 **SECTION 83.** 11.31 (2) of the statutes is amended to read:

9 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
10 election who files ~~a sworn statement and~~ an application to receive a grant from the
11 Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or
12 authorize total disbursements from ~~the~~ his or her campaign treasury in any
13 campaign to the extent of more than the amount prescribed in sub. (1), adjusted as
14 provided under sub. (9), unless the board determines that the candidate is not
15 eligible to receive a grant, the candidate withdraws his or her application under s.
16 11.50 (2) (h), sub. (3n) or s. 11.50 (2) (i) applies to that candidate, or the board issues
17 a determination under sub. (3r) applicable to the candidate. No candidate for state
18 office at a special election who files ~~a sworn statement and~~ an application to receive
19 a grant from the Wisconsin election campaign fund and an affidavit under sub. (2m)
20 (a) may make or authorize total disbursements from ~~the~~ his or her campaign
21 treasury in any campaign to the extent of more than the amount prescribed under
22 sub. (1), adjusted as provided under sub. (9), for the preceding spring or general
23 election for the same office, unless the board determines that the candidate is not
24 eligible to receive a grant, the candidate withdraws his or her application under s.

1 11.50 (2) (h), sub. (3n) or s. 11.50 (2) (i) applies to that candidate, or the board issues
2 a determination under sub. (3r) applicable to the candidate.

3 SECTION 84. 11.31 (2m) (title) of the statutes is amended to read:

4 11.31 (2m) (title) ~~VOLUNTARY LIMITATION~~ AFFIDAVIT OF ADHERENCE TO LIMITATIONS.

5 SECTION 85. 11.31 (2m) of the statutes is renumbered 11.31 (2m) (b) and
6 amended to read:

7 11.31 (2m) (b) Any candidate to whom sub. (2) and s. 11.26 (10) do not apply
8 may file an affidavit with his or her filing officer affirming that he or she has adhered
9 and will adhere to the limitations imposed under sub. (2) and s. 11.26 (10) during the
10 entire campaign. These limitations apply unless the candidate withdraws the
11 affidavit by notifying his or her filing officer in writing no later than the 7th day after
12 the date of the primary in which the person filing the affidavit is a candidate, or the
13 7th day after the date that the primary would be held, if no primary is required, or
14 unless sub. (3n) applies to that candidate or the board issues a determination under
15 sub. (3r) applicable to the candidate.

16 SECTION 86. 11.31 (2m) (a) of the statutes is created to read:

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

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1 (2) (h), sub. (3n) or s. 11.50 (2) (i) applies, or the board issues a determination under
2 sub. (3r) applicable to the candidate.

3 **SECTION 87.** 11.31 (3) of the statutes is amended to read:

4 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the
5 limitations imposed under sub. (2), candidates for governor and lieutenant governor
6 of the same political party who both accept grants from the Wisconsin election
7 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),
8 adjusted as provided under sub. (9), and reallocate the total level between them. The
9 candidates shall each inform the board of any such agreement.

10 **SECTION 88.** 11.31 (3m) of the statutes is repealed.

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

12 11.31 (3n) DISBURSEMENTS BY OPPOSING CANDIDATES FOR CERTAIN STATE OFFICES.
13 If a candidate for a state office specified in sub. (1) (a) to (d), (e), or (f) in any campaign
14 who has filed an affidavit under sub. (2m) determines that an opposing candidate
15 who has not filed an affidavit under sub. (2m) has made disbursements exceeding the
16 amount of the disbursement level applicable to that candidate under sub. (1), as
17 adjusted under sub. (9), then that candidate and each of his or her opponents may
18 make additional contributions to his or her own campaign exceeding the amount
19 authorized under s. 11.26 (10) and may make additional disbursements in that
20 campaign exceeding the amount authorized under sub. (1), as adjusted under sub.
21 (9), in an amount equivalent to the lesser of the total contributions made by the
22 opposing candidate to his or her own campaign or the amount by which the total
23 disbursements made by the opposing candidate exceed the disbursement limitation
24 or level applicable to that candidate under sub. (1), as adjusted under sub. (9), as
25 reported to the board by the opposing candidate or his or her personal campaign

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

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

4 **11.31 (3r) INDEPENDENT EXPENDITURES; CANDIDATES FOR CERTAIN STATE OFFICES.**

5 (a) If the board receives a report under s. 11.065 that an independent expenditure
6 has been made for the purpose of making a communication in opposition to a
7 candidate for a state office specified in sub. (1) (a) to (d), (e), or (f), or in support of a
8 candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the
9 ballot in opposition to such a candidate, the board shall, no later than the end of the
10 3rd calendar day after receiving the report under s. 11.065, issue a determination
11 that the candidate may make additional disbursements in that campaign exceeding
12 any limitation imposed under sub. (2) or agreed to under sub. (2m) in an amount
13 equivalent to the amount of the independent expenditure, as reported under s.
14 11.065, and that contributions to the candidate may be made as authorized under s.
15 11.26 (9m).

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

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

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

20 **11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS.** (a) In this subsection,
21 "consumer price index" means the average of the consumer price index over each
22 12-month period, all items, U.S. city average, as determined by the bureau of labor
23 statistics of the U.S. department of labor.

24 (b) The dollar amounts of the limitations under sub. (1) are subject to a
25 quadrennial adjustment to be determined by rule of the board in accordance with this

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

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

15 11.38 (6) Any individual or campaign treasurer who receives funds in violation
16 of this section shall promptly return such funds to the contributor or, donate the
17 funds to the common school fund or a charitable organization, or transfer the funds
18 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
19 option.

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

21 **11.385 Certain contributions prohibited.** (1) In this section, "floorperiod"
22 means a floorperiod of the legislature, as scheduled by joint resolution, for a regular
23 legislative session.

24 (2) Except as provided in subs. (3) to (5), no member of the legislature or
25 personal campaign committee of a member may make or receive any contribution in

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1 conjunction with a fund-raising social event held in Dane County during a
2 floorperiod or a special or extraordinary session if the event is held to benefit a
3 member or member's personal campaign committee.

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

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

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

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

23 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general
24 account:

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

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

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

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

24 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
25 account, an individual who is certified under s. 7.08 (2) (a) or 8.50 (1) (d) in the general

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1 election or a special election as the candidate of an eligible political party for a state
2 office, other than district attorney, or an individual who has been lawfully appointed
3 and certified to replace such an individual on the ballot at the general or a special
4 election and who has qualified for a grant under sub. (2).

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

6 11.50 (1) (am) “Eligible political party” means any of the following:

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

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

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

17 11.50 (1) (bm) “General account” means the account in the fund created under
18 sub. (2w).

19 (cm) “Political party account” means an account in the fund created under sub.
20 (2s).

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

22 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
23 file an application with the board requesting approval to participate in the fund. The
24 application shall be filed no later than the applicable deadline for filing nomination
25 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.

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1 on the 7th day after the primary or date on which the primary would be held if
2 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
3 after appointment in the case of candidates appointed to fill vacancies. The
4 application shall contain a sworn statement that the candidate and his or her
5 authorized agents have complied with the contribution limitations prescribed in s.
6 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to
7 which such limitations have applied to his or her candidacy and will continue to
8 comply with the limitations at all times to which the limitations apply to his or her
9 candidacy for the office in contest, unless the board determines that the candidate
10 is not eligible to receive a grant, the candidate withdraws his or her application
11 under par. (h), or par. (i) applicant shall provide, along with the application,
12 an affidavit under s. 11.31 (2m) (a).

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

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

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

19 11.50 (2) (b) 5. 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 the candidate has received an amount
22 equal to at least the amount provided in this subdivision, from contributions of
23 money, other than loans, made by individuals who reside in this state and, in the case
24 of a candidate for other than a statewide office, by individuals at least 50% of whom
25 reside in a county having territory within the district in which the candidate seeks

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SECTION 103

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

20 **SECTION 103g.** 11.50 (2) (b) 6. of the statutes is created to read:

21 11.50 (2) (b) 6. The application is not required to be disapproved under par. (f).

22 **SECTION 103r.** 11.50 (2) (c) of the statutes is amended to read:

23 11.50 (2) (c) ~~If a candidate has not filed financial reports as of the date of the~~
24 ~~spring primary, September primary, special primary, or date that the special primary~~
25 ~~would be held, if required, which indicate that he or she has met the qualification~~

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1 ~~under par. (b) 5., the candidate may file a special report with the board. Such report~~
2 ~~shall be filed not later than~~ Any individual who desires to qualify as an eligible
3 candidate shall file a special report with the board during the period beginning on
4 the day after the primary, or the 7th day after the date on which the primary would
5 be held, if required, and ending on the 7th day after the primary, or 7th day after the
6 date on which the primary would be held, if required, and. The special report shall
7 ~~include such supplementary information as to sources of contributions which may~~
8 ~~be necessary to complete the candidate's qualification~~ all information that is
9 required to be reported under s. 11.06 (1). The special report shall cover the period
10 from the day after the last date covered on the candidate's most recent report, or from
11 the date on which the first contribution was received or the first disbursement was
12 made, whichever is earlier, if the candidate has not previously filed a report, to the
13 date of ~~such report~~ the primary, or the date on which the primary would be held, if
14 required. All information included on the special report shall also be included in the
15 candidate's next report under s. 11.20.

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

17 11.50 (2) (f) The board shall disapprove the application of any candidate who
18 has a balance in his or her campaign depository account, as reported under par. (c),
19 that is equal to or greater than 100% of the disbursement level specified under s.
20 11.31 (1), as adjusted under s. 11.31 (9), for the office that the candidate seeks, but
21 without respect to any adjustment under s. 11.31 (3n) or (3r). The board shall inform
22 each candidate in writing of the approval or disapproval of the candidate's
23 application, as promptly as possible after the date of the spring primary, September
24 primary, special primary, or date that the primary would be held, if required. With
25 respect to a candidate at a special election who applies for a postelection grant under

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1 sub. (1) (a) ~~2. 1. b.~~, the board shall inform the candidate in writing of the conditional
2 approval or disapproval of the candidate's application at the same time.

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

4 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
5 in accordance with this subsection accepts and agrees to comply with the
6 contribution limitations prescribed in s. 11.26 and the disbursement limitations
7 imposed under s. 11.31 (2) as binding upon himself or herself and his or her agents
8 during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant
9 under this section, unless the board determines that the candidate is not eligible to
10 receive a grant, the candidate withdraws the application under par. (h), ~~or~~ par. (i) or
11 s. 11.31 (3n) applies to the candidate, or the board issues a determination under s.
12 11.31 (3r) applicable to the candidate.

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

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

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

23 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring
24 election or a special nonpartisan election who accepts a grant is opposed by one or
25 more candidates in the election, or if an eligible candidate at the general election or

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

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

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

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

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1 that party, to the extent that sufficient moneys are available in that account to make
2 payment of the grant.

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

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

7 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
8 the fund consisting of all moneys designated by individuals for deposit in that
9 account under s. 71.10 (3) (a), all moneys transferred to that account under sub. (2s)
10 (c), and all moneys deposited in the fund under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2),
11 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6).

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

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

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 843**SECTION 113**

1 11.50 (3) (c) If there are insufficient moneys in the fund to make any transfer
2 that is required to be made under par. (a) or (b), the state treasurer shall transfer the
3 balance in the fund to the account to which the transfer is required to be made.

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

5 11.50 (4m) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make
6 payment of each grant to an eligible candidate from the political party account of that
7 candidate's political party, if any, if there are sufficient moneys in that account to
8 make full payment of the grant, and then from the general account. The amount of
9 each grant is the amount specified in sub. (9), except as provided in sub. (10) and
10 except that if there are insufficient moneys in the account for any office within the
11 general account to make payment of the full amount of the grant for which a
12 candidate qualifies, the board shall first allocate available moneys in that account
13 to equalize payments of grants to all eligible candidates for each office for which any
14 candidate has received payments from a political party account, and thereafter shall
15 prorate any remaining available moneys in that account to all eligible candidates
16 who qualify to receive a grant from that account.

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

18 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
19 disbursements of grants under sub. (9) to the campaign depository account of each
20 eligible candidate ~~under subs. (3) and (4)~~ by the end of the 3rd business day following
21 notice from the board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor
22 and lieutenant governor of the same political party may combine accounts if desired.

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

24 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
25 eligible candidate ~~under subs. (3) and (4)~~ are more than the amount which a

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1 candidate may accept under sub. (9), or more than the amount which a candidate
2 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

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

5 11.50 (9) (a) ~~The Except as provided in par. (d), the total grant available to an~~
6 eligible candidate for an office other than the office of justice may not exceed that
7 amount which, when added to all other contributions accepted from sources other
8 than individuals, and political party committees ~~and legislative campaign~~
9 ~~committees~~, is equal to 45% of the disbursement level specified for the applicable
10 office under s. 11.31 (1), adjusted as provided under s. 11.31 (9).

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

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

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

17 11.50 (9) (b) Except as provided in par. (d), the total grant available to an
18 eligible candidate for the office of justice may not exceed that amount which, when
19 added to all other contributions accepted from sources other than individuals and
20 political party committees, is equal to 65% of the disbursement level specified for that
21 office under s. 11.31 (1), as adjusted under s. 11.31 (9).

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

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

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1 **11.50 (10m) RETURN OF GRANTS.** An individual who receives a grant prior to an
2 election in which he or she is a candidate and who desires to return any portion of
3 the grant shall return that portion no later than the 2nd Tuesday in October
4 preceding a general election, the 4th Tuesday preceding a spring election or the 3rd
5 Tuesday preceding a special election. A candidate who returns all or any portion of
6 a grant under this subsection remains bound by the candidate's statement affidavit
7 filed under sub. ~~(2) (a)~~ s. 11.31 (2m) (a).

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

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

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

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

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

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

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

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

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

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

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

9 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
10 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than ~~\$10,000~~
11 \$30,000 or imprisoned for not more than ~~4~~ 13 years and 6 months or both.

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

17 (c) Whoever intentionally violates any provision of this chapter other than
18 those provided in par. (a) and whoever intentionally violates any provision under par.
19 (b) where the intentional violation concerns a specific figure which does not exceed
20 \$100 in amount or value may be fined not more than ~~\$1,000~~ \$3,000 or imprisoned for
21 not more than ~~6 months~~ one year in the county jail or both.

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

24 11.66 (1) Any elector may sue for injunctive relief to compel compliance with
25 this chapter. Before commencing any action concerning ~~a~~ an election for state office

ENGROSSED ASSEMBLY BILL 843**SECTION 124**

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

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

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

17 11.66 (2) If the complaint relates to a matter specified in s. 5.066 (12) (a), the
18 elector may commence an action under sub. (1) upon compliance with sub. (1).

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

20 **12.05 False representations affecting elections.** No person may
21 knowingly make or publish, or cause to be made or published, a false representation
22 pertaining to a candidate or referendum ~~which~~ that is intended or tends to affect
23 voting at an election. This section does not apply to any information reported by a
24 person making an independent expenditure, as defined in s. 11.01 (11m), under s.
25 11.065 (2).

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1 **SECTION 127.** 19.42 (3m), (4g), (4r) and (7p) of the statutes are created to read:
2 19.42 (3m) “Candidate,” except as otherwise provided, has the meaning given
3 in s. 11.01 (1).

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

6 (a) The person’s name appears.

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

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

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

14 (7p) “Independent expenditure” has the meaning given in s. 11.01 (11m).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **71.07 (6s) CAMPAIGN FUND TAX CREDIT.** (a) *Definitions.* In this subsection:

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1 1. “Claimant” means an individual who makes a designation.

2 2. “Designation” means an amount designated under s. 71.10 (3) (a).

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

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

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

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

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

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

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

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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 (3g) NONSEVERABILITY; CERTAIN CONTRIBUTION LIMITATIONS. Notwithstanding
20 section 990.001 (11) of the statutes, if a court finds that all or any portion of the
21 statutes listed in paragraph (a) or all or any portion of the treatments listed in
22 paragraph (b) is unconstitutional, then all of the statutes listed in paragraph (a) and
23 all of the treatments listed in paragraph (b) are void in their entirety:

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1 (a) *Statutes created by this act.* Section 11.26 (1m), (1t), (2m), (2t), and (10a)
2 (with respect to the reference to 11.26 (1m) and (2m)) of the statutes, as created by
3 this act.

4 (b) *Treatments of current statutes by this act.* The treatment of sections 11.06
5 (7m) (a) (with respect to the reference to 11.26 (1m) and (2m)) and (b); and 11.26 (1
6 (intro.) (with respect to the reference to 11.26 (1t) and the filing of an affidavit under
7 11.31 (2m)), (2) (intro.) (with respect to the reference to 11.26 (2t) and the filing of an
8 affidavit under 11.31 (2m)), (3), (5), (6) (with respect to the reference to 11.26 (1m)
9 and (2m)), (15) (with respect to the reference to 11.26 (1m) and (2m)), and (17) (a)
10 (with respect to the reference to 11.26 (1m) and (2m)) of the statutes.

11 (3r) **NONSEVERABILITY; OTHER PROVISIONS.** Notwithstanding section 990.001 (11)
12 of the statutes, if a court finds that all or any portion of the statutes listed in
13 paragraph (a) or all or any portion of the treatments listed in paragraph (b) is
14 unconstitutional, then all of the statutes listed in paragraph (a) and all of the
15 treatments listed in paragraph (b) are void in their entirety:

16 (a) *Statutes created by this act.* Sections 11.01 (4m), (11m), and (13); 11.06 (1)
17 (cm); 11.065; 11.26 (9m); 11.30 (4m) (with respect to the reference to independent
18 expenditures); 11.31 (2m) (a) (with respect to the reference to 11.31 (3n) and (3r)); and
19 11.31 (3n) and (3r) of the statutes, as created by this act.

20 (b) *Treatments of current statutes by this act.* The treatment of sections 5.05
21 (1) (e); 11.06 (2); 11.26 (1) (intro.) (with respect to the reference to 11.26 (9m)), (9) (a)
22 (with respect to the reference to 11.26 (9m)) and (b) (with respect to the reference to
23 11.26 (9m)), (10), and (17) (a) (with respect to the reference to 11.26 (9m)); 11.27 (1);
24 11.29 (1); 11.31 (2) (with respect to the reference to 11.31 (3n) and (3r)); 11.50 (2) (g)
25 (with respect to the reference of 11.31 (3n) and (3r)) and (i) (with respect to the

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1 reference to 11.31 (3n) and (3r)); and 12.05 of the statutes and the renumbering of
2 11.31 (2m) (with respect to the reference to 11.31 (3n) and (3r)) of the statutes.

SECTION 147. Initial applicability.

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

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

11 (3) COST OF LIVING ADJUSTMENTS. (a) The treatment of sections 11.26 (10a) and
12 11.31 (9) of the statutes first applies to adjustments for the 4-year period beginning
13 on January 1, 2006.

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

17
(END)