



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2706/1
JTK/RJM/MES(kgxjif)

D-NOTE

SCE: Engh... - Campaign finance changes per SB-104

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Caucus SENATE AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1, line 4: delete that line and substitute:

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

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

10 SECTION 1r. 6.18 of the statutes is amended to read:".

1 **2.** Page 3, line 12: after that line insert:

2 “**SECTION 1ec.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

3 7.08 (2) (c) As soon as possible after the canvass of the spring and September
4 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
5 September, transmit to the state treasurer a certified list of all eligible candidates
6 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
7 determines ~~to be~~ are eligible to receive payments from the Wisconsin election
8 campaign fund. The board shall also electronically transmit a similar list of
9 candidates who the board determines are eligible to receive a grant under s. 11.50
10 (9) (b), (ba), or (bb) within 24 hours after any candidate qualifies to receive such a
11 grant. Each list shall contain each candidate’s name, the mailing address indicated
12 upon the candidate’s registration form, the office for which the individual is a
13 candidate and the party or principle which he or she represents, if any.

14 (cm) As soon as possible after the canvass of a special primary, or the date that
15 the primary would be held, if required, transmit to the state treasurer a certified list
16 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
17 and ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant from the
18 Wisconsin election campaign fund prior to the election. The board shall also transmit
19 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
20 ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant under s. 11.50
21 (1) (a) 2. after the special election. The board shall electronically transmit a similar
22 list of candidates who the board determines are eligible to receive a grant under s.
23 11.50 (9) (b), (ba), or (bb) within 24 hours after any candidate qualifies to receive such
24 a grant. Each list shall contain each candidate’s name, the mailing address indicated

1 upon the candidate's registration form, the office for which the individual is a
2 candidate and the party or principle which he or she represents, if any.

3 **SECTION 1ed.** 7.08 (2) (cs) of the statutes is created to read:

4 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the
5 period beginning with the month following certification and ending with the month
6 in which the next certification is made by the board:

7 1. No later than July 1, the name of each political party that qualifies under
8 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
9 state chairperson has filed a request to establish an account for the party under s.
10 11.50 (2s) (a).

11 2. No later than December 15, the name of each political party that qualifies
12 under s. 11.50 (1) (am) 2. as an eligible political party as of the date of the preceding
13 general election and whose state chairperson has filed a written request to establish
14 an account for the party under s. 11.50 (2s) (a).

15 **SECTION 1ee.** 8.10 (3) (intro.) of the statutes is amended to read:

16 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall
17 be appended to each nomination paper. The Except as otherwise required under s.
18 11.50 (4m) for a candidate who seeks a grant from the Wisconsin election campaign
19 fund, the number of required signatures on nomination papers filed under this
20 section is:

21 **SECTION 1ef.** 8.15 (6) (intro.) of the statutes is amended to read:

22 8.15 (6) (intro.) The Except as otherwise required under s. 11.50 (4m) for a
23 candidate who seeks a grant from the Wisconsin election campaign fund, the number
24 of required signatures on nomination papers shall be as follows:

25 **SECTION 1eg.** 8.20 (4) of the statutes is amended to read:

1 8.20 (4) The Except as otherwise required under s. 11.50 (4m) for a candidate
2 who seeks a grant from the Wisconsin election campaign fund, the number of
3 required signatures on nomination papers for independent candidates shall be the
4 same as the number specified in s. 8.15 (6). For independent presidential electors
5 intending to vote for the same candidates for president and vice president, the
6 number of required signatures shall be not less than 2,000 nor more than 4,000
7 electors.

8 **SECTION 1eh.** 8.30 (2) of the statutes is amended to read:

9 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
10 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable
11 deadline for filing nomination papers by ~~such~~ the candidate, or the deadline for filing
12 a declaration of candidacy for an office for which nomination papers are not filed, the
13 name of the candidate may not appear on the ballot. This subsection may not be
14 construed to exempt a candidate from applicable penalties if he or she files a
15 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

16 **SECTION 1ej.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

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

1 b. If the former candidate was a nonpartisan candidate, donated to the a
2 charitable organization of the former candidate's choice or the charitable
3 organization chosen or transferred to the board for deposit in the Wisconsin election
4 campaign fund, as instructed by the former candidate or, if the candidate left no
5 instruction, by the former candidate's next of kin if the former candidate is deceased;
6 or

7 **SECTION 1ek.** 8.35 (4) (c) and (d) of the statutes are amended to read:

8 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
9 made and reported to the appropriate filing officer in a special report submitted by
10 the former candidate's campaign treasurer. If the former candidate is deceased and
11 was serving as his or her own campaign treasurer, the former candidate's petitioner
12 or personal representative shall file the report and make the transfer required by
13 par. (b), if any and file the report. The report shall be made in the manner provided
14 under s. 11.21 (16), if applicable, or otherwise at the appropriate interval under s.
15 11.20 (2) or (4) and shall include a complete statement of all contributions,
16 disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period
17 from the day after the last date covered on the former candidate's most recent report
18 to the date of disposition.

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

23 **SECTION 1eL.** 11.001 (2m) of the statutes is created to read:

24 11.001 (2m) The legislature finds a compelling justification for minimal
25 disclosure of all communications made near the time of an election that include a

1 reference to a candidate at that election, an office to be filled at that election, or a
2 political party in order to permit increased funding for candidates who are affected
3 by those communications. This minimal disclosure burden is outweighed by the need
4 to establish an effective funding mechanism for affected candidates to effectively
5 respond to communications that may impact an election.

6 **SECTION 1em.** 11.01 (12s) of the statutes is repealed.

7 **SECTION 1en.** 11.01 (16) (a) 3. of the statutes is created to read:

8 11.01 (16) (a) 3. A communication that is made by means of one or more
9 communications media, other than a communication that is exempt from reporting
10 under s. 11.29, that is made during the period beginning on the 60th day preceding
11 an election and ending on the date of that election and that includes a reference to
12 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
13 the ballot at that election, a reference to an office to be filled at that election, or a
14 reference to a political party.

15 **SECTION 1ep.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
16 to read:

17 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
18 a personal campaign committee, ~~and every political group subject to registration~~
19 ~~under s. 11.23 which~~ that makes or accepts contributions, incurs obligations or
20 makes disbursements in a calendar year in an aggregate amount in excess of \$25
21 shall file a statement with the appropriate filing officer giving the information
22 required by sub. (3). In the case of any committee other than a personal campaign
23 committee, the statement shall be filed by the treasurer. A personal campaign
24 committee shall register under sub. (2g) ~~or (2r)~~.

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

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

5 **SECTION 1er.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
6 to read:

7 11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than
8 a candidate or agent of a candidate, who accepts contributions, incurs obligations,
9 or makes disbursements with respect to one or more elections for state or local office
10 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with
11 the appropriate filing officer giving the information required by sub. (3). An
12 individual who guarantees a loan on which an individual, committee or group subject
13 to a registration requirement defaults is not subject to registration under this
14 subsection solely as a result of such default.

15 **SECTION 1es.** 11.05 (2) (b) of the statutes is created to read:

16 11.05 (2) (b) Every individual who accepts contributions, incurs obligations, or
17 makes disbursements with respect to one or more referenda in a calendar year in an
18 aggregate amount in excess of \$100 shall file a statement with the appropriate filing
19 officer giving the information required by sub. (3).

20 **SECTION 1et.** 11.05 (2r) (title) of the statutes is renumbered 11.06 (2m) (title).

21 **SECTION 1eu.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and
22 amended to read:

23 11.06 (2m) (a) Any person, committee or group, other than ~~a committee or an~~
24 individual or committee required to file an oath under s. 11.06 (7), who or which does
25 not anticipate accepting contributions, making disbursements or incurring

1 obligations in an aggregate amount in excess of \$1,000 in a calendar year and does
2 not anticipate accepting any contribution or contributions from a single source, other
3 than contributions made by a candidate to his or her own campaign, exceeding \$100
4 in that year may indicate on its registration statement that the person, committee
5 or group will not accept contributions, incur obligations or make disbursements in
6 the aggregate in excess of \$1,000 in any calendar year and will not accept any
7 contribution or contributions from a single source, other than contributions made by
8 a candidate to his or her own campaign, exceeding \$100 in ~~such~~ any calendar year.

9 Any registrant making such an indication is not subject to any filing requirement if
10 the statement is true. The registrant need not file a termination report. A registrant
11 not making such an indication on a registration statement is subject to a filing
12 requirement. The indication may be revoked and the registrant is then subject to a
13 filing requirement as of the date of revocation, or the date that aggregate
14 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
15 the date on which the registrant accepts any contribution or contributions exceeding
16 \$100 from a single source, other than contributions made by a candidate to his or her
17 own campaign, during that any calendar year, whichever is earlier. ~~If the revocation~~
18 ~~is not timely, the registrant violates s. 11.27 (1).~~

19 **SECTION 1ev.** 11.05 (3) (c) of the statutes is amended to read:

20 11.05 (3) (c) In the case of a committee, a statement as to whether the
21 committee is a personal campaign committee, a political party committee, ~~a~~
22 ~~legislative campaign committee~~, a support committee or a special interest
23 committee.

24 **SECTION 1ew.** 11.05 (3) (m) of the statutes is created to read:

1 11.05 (3) (m) In the case of a personal campaign committee, the name of the
2 candidate on whose behalf the committee was formed or intends to operate and the
3 office or offices that the candidate seeks.

4 **SECTION 1ex.** 11.05 (3) (o) of the statutes is repealed.

5 **SECTION 1ey.** 11.05 (3) (r) of the statutes is created to read:

6 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
7 candidate, the telephone number or numbers and a facsimile transmission number
8 or electronic mail address, if any, at which the candidate may be contacted.

9 **SECTION 1fc.** 11.05 (5) of the statutes is amended to read:

10 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
11 submitted in a statement of registration shall be reported by the registrant to the
12 appropriate filing officer within 10 days following the change. This period does not
13 apply in case of change of an indication made under ~~sub. (2r)~~ s. 11.06 (2m), which
14 shall be reported no later than the date that a registrant is subject to a filing
15 requirement under ~~sub. (2r)~~ s. 11.06 (2m). Any such change may be reported only by
16 the individual or by the officer who has succeeded to the position of an individual who
17 signed the original statement; but in the case of a personal campaign committee, a
18 candidate or campaign treasurer may report a change in the statement except as
19 provided in s. 11.10 (2), and in the case of any other committee or group, the chief
20 executive officer or treasurer indicated on the statement may report a change. If a
21 preexisting support committee is adopted by a candidate as his or her personal
22 campaign committee, the candidate shall file an amendment to the committee's
23 statement under this subsection indicating that all information contained in the
24 statement is true, correct and complete.

25 **SECTION 1fd.** 11.05 (9) (title) of the statutes is repealed and recreated to read:

1 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

2 **SECTION 1fe.** 11.05 (12) (b) of the statutes is amended to read:

3 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or
4 individual other than a candidate or agent of a candidate shall comply with sub. (1)
5 or (2) no later than the 5th business day commencing after receipt of the first
6 contribution by such committee, group or individual, and before making any
7 disbursement. No committee, group or individual, other than a candidate or agent
8 of a candidate, may accept any contribution or contributions exceeding \$25 ~~in the~~
9 ~~aggregate the amount specified in sub. (1) or (2)~~ during a calendar year at any time
10 when the committee, group or individual is not registered under this section except
11 within the initial 5-day period authorized by this paragraph.

12 **SECTION 1ff.** 11.05 (13) of the statutes is amended to read:

13 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee
14 or group does not violate this section by accepting a contribution and making a
15 disbursement in the amount required to rent a postal box, or in the minimum amount
16 required by a bank or trust company to open a checking account, prior to the time of
17 registration, if the disbursement is properly reported on the first report submitted
18 under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is
19 registered, whenever a reporting requirement applies to the registrant.

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

21 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), (2m),
22 (3) and (3m) and ~~ss. 11.05 (2r) and s. 11.19 (2)~~, each registrant under s. 11.05 shall
23 make full reports, upon a form prescribed by the board and signed by the appropriate
24 individual under sub. (5), of all contributions received, contributions or
25 disbursements made, and obligations incurred. Each report shall contain the

1 following information, covering the period since the last date covered on the previous
2 report, unless otherwise provided:

3 **SECTION 1fh.** 11.06 (1) (e) of the statutes is amended to read:

4 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
5 source donated to a charitable organization or to the common school fund, with the
6 full name and mailing address of the donee, and a statement of contributions over
7 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

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

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

18 **SECTION 1fk.** 11.06 (2m) (b) to (d) of the statutes are created to read:

19 11.06 (2m) (b) Any individual or committee who or which is required to file an
20 oath under s. 11.06 (7) and who or which accepts contributions, makes disbursements
21 or incurs obligations for the purpose of supporting or opposing one or more
22 candidates for state office and who or which does not anticipate accepting
23 contributions, making disbursements or incurring obligations in an aggregate
24 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
25 contribution or contributions from a single source exceeding \$100 in that year may

1 indicate on its registration statement that the individual or committee will not
2 accept contributions, incur obligations or make disbursements in the aggregate in
3 excess of \$1,000 in any calendar year and will not accept any contribution or
4 contributions from a single source exceeding \$100 in any calendar year. Any
5 registrant making such an indication is not subject to any filing requirement if the
6 statement is true. The registrant need not file a termination report. A registrant not
7 making such an indication on a registration statement is subject to a filing
8 requirement. The indication may be revoked and the registrant is then subject to a
9 filing requirement as of the date of revocation, or the date on which aggregate
10 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
11 the date on which the registrant accepts any contribution or contributions exceeding
12 \$100 from a single source during any calendar year, whichever is earlier.

13 (c) Any individual or committee who or which is required to file an oath under
14 s. 11.06 (7) and who or which accepts contributions, makes disbursements or incurs
15 obligations for the purpose of supporting or opposing one or more candidates for local
16 office but not for the purpose of supporting or opposing any candidate for state office
17 and who or which does not anticipate accepting contributions, making
18 disbursements or incurring obligations in an aggregate amount in excess of \$100 in
19 a calendar year may indicate on its registration statement that the individual or
20 committee will not accept contributions, incur obligations or make disbursements in
21 the aggregate in excess of \$100 in any calendar year and will not accept any
22 contribution or contributions from a single source, other than contributions made by
23 a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any
24 registrant making such an indication is not subject to any filing requirement if the
25 statement is true. The registrant need not file a termination report. A registrant not

1 making such an indication on a registration statement is subject to a filing
2 requirement. The indication may be revoked and the registrant is then subject to a
3 filing requirement as of the date of revocation, or the date that aggregate
4 contributions, disbursements or obligations for the calendar year exceed \$100,
5 whichever is earlier.

6 (d) If a revocation by a registrant under this subsection is not timely, the
7 registrant violates s. 11.27 (1).

8 **SECTION 1fL.** 11.06 (4) (b) of the statutes is amended to read:

9 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a
10 contribution must be reported as received and accepted on the date received. This
11 subsection paragraph applies notwithstanding the fact that the contribution is not
12 deposited in the a campaign depository account by the closing date for the a reporting
13 period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

14 **SECTION 1fm.** 11.06 (5) of the statutes is amended to read:

15 11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a
16 group or committee shall make a good faith effort to obtain all required information.
17 The first report shall commence no later than the date that the first contribution is
18 received and accepted or the first disbursement is made. Each report shall be filed
19 with the appropriate filing officer on the dates designated in s. 11.20 and, if the
20 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The
21 individual or the treasurer of the group or committee shall certify to the correctness
22 of each report. In the case of a candidate, the candidate or treasurer shall certify to
23 the correctness of each report. If a treasurer is unavailable, any person designated
24 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

25 **SECTION 1fn.** 11.06 (7m) (a) of the statutes is amended to read:

1 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
2 party committee ~~or legislative campaign committee~~ supporting candidates of a
3 political party files an oath under sub. (7) affirming that it does not act in cooperation
4 or consultation with any candidate who is nominated to appear on the party ballot
5 of the party at a general or special election, that the committee does not act in concert
6 with, or at the request or suggestion of, such a candidate, that the committee does
7 not act in cooperation or consultation with such a candidate or agent or authorized
8 committee of such a candidate who benefits from a disbursement made in opposition
9 to another candidate, and that the committee does not act in concert with, or at the
10 request or suggestion of, such a candidate or agent or authorized committee of such
11 a candidate who benefits from a disbursement made in opposition to another
12 candidate, the committee filing the oath may not make any contributions in support
13 of any candidate of the party at the general or special election or in opposition to any
14 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
15 authorized in par. (c).

16 **SECTION 1fp.** 11.06 (7m) (c) of the statutes is amended to read:

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

24 **SECTION 1fq.** 11.06 (11) (c) of the statutes is amended to read:

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

4 **SECTION 1fr.** 11.07 (1) of the statutes is amended to read:

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

15 **SECTION 1fs.** 11.07 (5) of the statutes is amended to read:

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

22 **SECTION 1ft.** 11.09 (3) of the statutes is amended to read:

23 11.09 (3) Each registrant whose filing officer is the board, who or which makes
24 disbursements in connection with elections for offices which serve or referenda
25 which affect only one county or portion thereof, except a candidate, personal

1 campaign committee, political party committee or other committee making
2 disbursements in support of or in opposition to a candidate for state senator,
3 representative to the assembly, court of appeals judge or circuit judge, shall file a
4 duplicate original of each financial report filed with the board with the county clerk
5 or board of election commissioners of the county in which the elections in which the
6 registrant participates are held. Such reports shall be filed no later than the dates
7 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
8 subsection does not apply to a registrant who or which files reports under s. 11.21
9 (16).

10 **SECTION 1fu.** 11.10 (1) of the statutes is amended to read:

11 11.10 (1) Each candidate in an election shall appoint one campaign treasurer.
12 Except as provided in s. 11.14 (3), each candidate shall designate one campaign
13 depository account within 5 business days after the candidate receives his or her first
14 contribution and before the candidate makes or authorizes any disbursement in
15 behalf of his or her candidacy. If a candidate adopts a preexisting support committee
16 as his or her personal campaign committee, the candidate shall make such
17 designation within 5 business days of adoption. The person designated as campaign
18 treasurer shall be the treasurer of the candidate's personal campaign committee, if
19 any. The candidate may appoint himself or herself or any other elector as campaign
20 treasurer. A registration statement under s. 11.05 (2g) ~~or (2r)~~ must be filed jointly
21 by every candidate and his or her campaign treasurer. The candidate does not
22 qualify for ballot placement until this requirement is met. Except as authorized
23 under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the
24 correctness of each report required to be filed, and the candidate bears the

1 responsibility for the accuracy of each report for purposes of civil liability under this
2 chapter, whether or not the candidate certifies it personally.

3 **SECTION 1fv.** 11.12 (2) of the statutes is amended to read:

4 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
5 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
6 expended. The contribution shall be donated to the common school fund or to any
7 charitable organization or transferred to the board for deposit in the Wisconsin
8 election campaign fund, at the option of the treasurer.

9 **SECTION 1fw.** 11.12 (2m) of the statutes is created to read:

10 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in
11 the form of money that is made by an individual who has made contributions to the
12 registrant cumulatively within a calendar year exceeding \$100 in amount or value,
13 and the contributor has not provided to the treasurer the information required under
14 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before
15 depositing the contribution in the campaign depository account. If the treasurer does
16 not receive the information within the period prescribed under s. 11.14 (1), the
17 treasurer shall return the contribution to the contributor.

18 **SECTION 1fx.** 11.12 (4) of the statutes is amended to read:

19 11.12 (4) Each registrant shall report contributions, disbursements and
20 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
21 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
22 11.06 (2), (3) and (3m), each report shall contain the information which is required
23 under s. 11.06 (1).

24 **SECTION 1gc.** 11.12 (5) of the statutes is amended to read:

1 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
2 received by a candidate for state office or by a committee or individual from a single
3 contributor later than 15 days prior to a primary or election such that it is not
4 included in the preprimary or preelection report submitted under s. 11.20 (3), the
5 treasurer of the committee or the individual receiving the contribution shall within
6 24 hours of receipt inform the appropriate filing officer of the information required
7 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
8 also be included in the treasurer's or individual's next regular report. For purposes
9 of the reporting requirement under this subsection, only contributions received
10 during the period beginning with the day after the last date covered on the
11 preprimary or preelection report, and ending with the day before the primary or
12 election need be reported. This subsection does not apply to a registrant who or
13 which files reports under s. 11.21 (16).

14 **SECTION 1gd.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
15 to read:

16 11.12 (6) (a) If any an individual or committee incurs an obligation or makes
17 a disbursement of more than \$20 cumulatively is made to advocate the election or
18 defeat of a clearly identified candidate by an individual or committee later than 15
19 days prior to a primary or election in which the candidate's name appears on the
20 ballot without cooperation or consultation with a candidate or agent or authorized
21 committee of a candidate who is supported or whose opponent is opposed, and not in
22 concert with or at the request or suggestion of such a candidate, agent or committee,
23 the individual or treasurer of the committee shall, within 24 hours of after incurring
24 the obligation or making the disbursement, inform the appropriate filing officer of
25 the information required under s. 11.06 (1) in such manner as the board may

1 prescribe. ~~The information shall also be included in the next regular report of the~~
2 ~~individual or committee under s. 11.20.~~ For purposes of this subsection, paragraph,
3 obligations and disbursements cumulate beginning with the day after the last date
4 covered on the preprimary or preelection report and ending with the day before the
5 primary or election. Upon receipt of a report under this subsection paragraph, the
6 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
7 candidates for any office in support of or opposition to one of whom ~~a~~ an incurred
8 obligation or disbursement identified in the report is incurred or made. A committee
9 that files a report pertaining to a disbursement under par. (c) is not required to file
10 a report pertaining to the same disbursement under this paragraph. This paragraph
11 does not apply to a committee that files reports under s. 11.21 (16).

12 **SECTION 1ge.** 11.12 (6) (c) and (d) of the statutes are created to read:

13 11.12 (6) (c) 1. If any committee identified under s. 11.05 (3) (c) as a special
14 interest committee, other than a conduit, intends to receive any contribution, make
15 any disbursement, or incur any obligation to make a disbursement for the purpose
16 of advocating the election or defeat of a clearly identified candidate for a state office
17 specified in s. 11.31 (1) (a) to (de), (e), or (f) at the general or a special election, or any
18 such candidate who seeks a nomination for such an office at a primary election, or
19 for a purpose described in s. 11.01 (16) (a) 3., without cooperation or consultation with
20 a candidate or agent or authorized committee of a candidate who is supported or
21 whose opponent is opposed, and not in concert with or at the request or suggestion
22 of such a candidate, agent, or committee, the committee shall report to the board at
23 the times specified in s. 11.20 (2s), in such manner as the board may prescribe, the
24 name of each candidate who is supported or whose opponent is opposed and the total
25 amount of contributions to be received, disbursements to be made, and obligations

1 to be incurred for such a purpose in support or opposition to that candidate during
2 the 21–day period following the date on which the report is due to be filed.

3 2. A committee which is required to file reports under this paragraph shall also
4 report to the board, at the times specified in s. 11.20 (2t), in such manner as the board
5 may prescribe, the amount and date of each contribution received, disbursement
6 made, or obligation incurred for the purpose of advocating the election or defeat of
7 a candidate specified in this paragraph in the manner specified in this paragraph,
8 and the name of the candidate in support of or in opposition to whom the contribution
9 was received, disbursement made, or obligation incurred, during the 21–day period
10 ending on each date specified in s. 11.20 (2t).

11 3. A committee which files a report under this paragraph concerning a
12 disbursement is not required to file a report pertaining to the same disbursement
13 under par. (a).

14 (d) All information reported by a registrant under this subsection shall also be
15 included in the next regular report of the registrant under s. 11.20.

16 **SECTION 1gf.** 11.12 (8) and (9) of the statutes are created to read:

17 11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
18 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
19 candidate has accumulated cash in his or her campaign depository account or has
20 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
21 a combined total of 75% of the amount specified in s. 11.31 (1) (a) to (de), (e), or (f),
22 as adjusted under s. 11.31 (9), for the office that the candidate seeks, that candidate
23 or the candidate's personal campaign committee shall file daily reports with the
24 board and with each candidate whose name is certified to appear on the ballot for the
25 office in connection with which the disbursement is made, by electronic mail or

1 facsimile transmission, on each day beginning with that date or the 7th day after the
2 primary election or the date that a primary would be held, if required, whichever is
3 later, and ending on the date of the election at which the candidate seeks office. Each
4 report shall contain information pertaining to each disbursement made by the
5 candidate or committee and shall be filed no later than 24 hours after that
6 disbursement is made. Each report shall include the same information concerning
7 each disbursement that is required to be reported for other disbursements under s.
8 11.06 (1). The information shall also be included in the next regular report of the
9 candidate or committee under s. 11.20.

10 (9) Whenever a report is required to be filed with a candidate by electronic mail
11 or facsimile transmission under this section, the report shall be filed at the address
12 or number of the candidate or personal campaign committee as shown on the
13 registration statement of the candidate or committee. If no electronic mail address
14 or facsimile transmission number is shown, the report shall be filed at the mailing
15 address shown on the statement.

16 SECTION 1gg. 11.14 (3) of the statutes is amended to read:

17 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own
18 campaign treasurer and who is authorized to make and makes an indication on his
19 or her registration statement under s. ~~11.05 (2r)~~ 11.06 (2m) that he or she will not
20 accept contributions, make disbursements or incur obligations in an aggregate
21 amount exceeding \$1,000 in a calendar year, and will not accept any contribution or
22 contributions from a single source, other than contributions made by the candidate
23 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single
24 personal account as his or her campaign depository account, and may intermingle
25 personal and other funds with campaign funds. If a separate depository account is

1 later established by the candidate, the candidate shall transfer all campaign funds
2 in the personal account to the new depository account. Disbursements made from
3 such personal account need not be identified in accordance with s. 11.16 (3).

4 **SECTION 1gh.** 11.16 (2) of the statutes is amended to read:

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

13 **SECTION 1gj.** 11.16 (5) of the statutes is amended to read:

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

1 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
2 for the effort or program, and shall transmit a copy of the schedule to each candidate
3 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

4 **SECTION 1gk.** 11.19 (title) of the statutes is amended to read:

5 **11.19 (title) Dissolution Carry-over of surplus funds; dissolution of**
6 **registrants; termination reports.**

7 **SECTION 1gL.** 11.19 (1) of the statutes is amended to read:

8 11.19 (1) Whenever any registrant disbands or determines that obligations will
9 no longer be incurred, and contributions will no longer be received nor disbursements
10 made during a calendar year, and the registrant has no outstanding incurred
11 obligations, the registrant shall file a termination report with the appropriate filing
12 officer. Such report shall indicate a cash balance on hand of zero at the end of the
13 reporting period and shall indicate the disposition of residual funds. Residual funds
14 may be used for any political purpose not prohibited by law, returned to the donors
15 in an amount not exceeding the original contribution, transferred to the board for
16 deposit in the Wisconsin election campaign fund or donated to a charitable
17 organization or the common school fund. The report shall be filed and certified as
18 were previous reports, and shall contain the information required by s. 11.06 (1). A
19 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
20 subsection with a termination report filed under this subsection. If a termination
21 report or suspension report under sub. (2) is not filed, the registrant shall continue
22 to file periodic reports with the appropriate filing officer, no later than the dates
23 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later
24 than the times specified in s. 11.21 (16). This subsection does not apply to any
25 registrant making an indication under s. ~~11.05 (2r)~~ 11.06 (2m).

1 **SECTION 1gm.** 11.20 (1) of the statutes is amended to read:

2 11.20 (1) All reports required by s. 11.06 which relate to activities which
3 promote or oppose candidates for state office or statewide referenda and all reports
4 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
5 relate to activities which promote or oppose candidates for local office or local
6 referenda shall be filed with the appropriate filing officer under s. 11.02, except
7 reports filed under s. 11.08. Each registrant shall file the reports required by this
8 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
9 electronically the same information that is reportable under this section, the
10 registrant shall, in addition, file the reports required by this section recorded on a
11 medium specified by the board.

12 **SECTION 1gn.** 11.20 (2s) of the statutes is created to read:

13 11.20 (2s) A registrant who or which is required to file reports under s. 11.12
14 (6) (c) 1. with respect to a candidate at the general election shall file the reports on
15 the 63rd, 42nd, and 21st day prior to that election. A registrant who is required to
16 file reports under s. 11.12 (6) (c) 1. with respect to a special election shall file a report
17 on the 21st day prior to that election.

18 **SECTION 1gp.** 11.20 (2t) of the statutes is created to read:

19 11.20 (2t) A registrant who or which is required to file reports under s. 11.12
20 (6) (c) 2. with respect to a candidate at the general election shall file the reports no
21 later than the 39th and 18th days prior to that election. A registrant who or which
22 is required to file reports under s. 11.12 (6) (c) 2. with respect to a candidate at a
23 special election shall file the reports no later than the 18th day prior to that election.

24 **SECTION 1gq.** 11.20 (7) of the statutes is amended to read:

1 11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that
2 any report is required to be filed under this ~~section~~ chapter on a nonbusiness day, it
3 may be filed on the next business day thereafter.

4 **SECTION 1gr.** 11.20 (9) of the statutes is amended to read:

5 11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty
6 to file reports under this section continues until a termination report is filed in
7 accordance with s. 11.19.

8 **SECTION 1gs.** 11.20 (10) (a) of the statutes is amended to read:

9 11.20 (10) (a) Where a requirement is imposed under this section for the filing
10 of a financial report which is to be received by the appropriate filing officer no later
11 than a certain date, the requirement may be satisfied either by actual receipt of the
12 report by the prescribed time for filing at the office of the filing officer, or by filing a
13 report with the U.S. postal service by first class mail with sufficient prepaid postage,
14 addressed to the appropriate filing officer, no later than the 3rd day before the date
15 provided by law for receipt of such report.

16 **SECTION 1gt.** 11.20 (12) of the statutes is amended to read:

17 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
18 to file the reports required by this chapter does not cease. Except as provided in ss.
19 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no
20 contributions, makes no disbursements or incurs no obligations shall so report on the
21 dates designated in subs. (2) and (4).

22 **SECTION 1gu.** 11.21 (2) of the statutes is amended to read:

23 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
24 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
25 not later than 14 days prior to the applicable filing deadline under s. 11.20, and

1 addressed to the attention of the treasurer or other person indicated on the
2 registration statement. Forms need not be sent to a registrant who has made an
3 indication that aggregate contributions, disbursements and obligations will not
4 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
5 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by
6 the board to a registrant if the registrant is required to file reports with the board
7 in an electronic format. Whenever any notice of filing requirements under this
8 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice
9 to the candidate if he or she has appointed a separate treasurer. Failure to receive
10 any form or notice does not exempt a registrant from compliance with this chapter.

11 **SECTION 1gv.** 11.21 (15) of the statutes is amended to read:

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

18 **SECTION 1gw.** 11.21 (16) of the statutes is amended to read:

19 11.21 (16) Require each registrant for whom the board serves as filing officer
20 and who or which accepts contributions in a total amount or value of \$20,000 or more
21 during a campaign period to file each campaign finance report that is required to be
22 filed under this chapter in an electronic format, and accept from any other registrant
23 for whom the board serves as a filing officer any campaign finance report that is
24 required to be filed under this chapter in an electronic format. A registrant who or
25 which becomes subject to a requirement to file reports in an electronic format under

1 this subsection shall initially file the registrant's report in an electronic format for
2 the period which includes the date on which the registrant becomes subject to the
3 requirement or, if the registrant is required to report transactions within 24 hours
4 of their occurrence, within 24 hours after the date on which the registrant becomes
5 subject to the requirement. To facilitate implementation of this subsection, the board
6 shall specify, by rule, a type of software that is suitable for compliance with the
7 electronic filing requirement under this subsection. The board shall provide copies
8 of the software to registrants at a price fixed by the board that may not exceed cost.
9 Each registrant who or which files a report under this subsection in an electronic
10 format shall also file a copy of the report with the board that is recorded on a medium
11 specified by the board. The copy shall be signed by an authorized individual and filed
12 with the board by each registrant no later than the time prescribed for filing of the
13 report under this chapter. If a registrant is a committee, the copy shall be certified
14 by an authorized individual and filed with the board by the registrant no later than
15 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1).
16 If a registrant or other person becomes subject to a requirement to report
17 electronically under this subsection, the registrant or other person shall continue to
18 report electronically regardless of the amount of contributions accepted or
19 expenditures made by the registrant or other person, until a termination report is
20 filed. The board shall provide complete instructions to any registrant who or which
21 files a report under this subsection. In this subsection, the "campaign period" of a
22 candidate, personal campaign committee or support committee begins and ends with
23 the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26
24 (17), and the "campaign period" of any other registrant begins on January 1 of each
25 odd-numbered year and ends on December 31 of the following year. Section 990.001

1 (4) does not apply to the computation of time permitted for compliance with the filing
2 requirements under this subsection.

3 SECTION 1gx. 11.22 (3) of the statutes is amended to read:

4 11.22 (3) Furnish to each registrant prescribed forms for the making of reports
5 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
6 not later than 14 days prior to the applicable filing deadline under s. 11.20 and
7 addressed to the attention of the treasurer or other person indicated on the
8 registration statement. Forms need not be sent to a registrant who has made an
9 indication that aggregate contributions, disbursements and obligations will not
10 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
11 been granted a suspension under s. 11.19 (2). Whenever any notice of the filing
12 requirements under this chapter is sent to a candidate's campaign treasurer, the
13 filing officer shall also send a notice to the candidate if he or she has appointed a
14 separate treasurer. Failure to receive any form or notice does not exempt a registrant
15 from compliance with this chapter.

16 SECTION 1gy. 11.23 (1) of the statutes is amended to read:

17 11.23 (1) Any group or individual may promote or oppose a particular vote at
18 any referendum in this state. Before making disbursements, receiving contributions
19 or incurring obligations in excess of \$25 \$100 in the aggregate in a calendar year for
20 such purposes, the group or individual shall file a registration statement under s.
21 11.05 (1), or (2) ~~or (2r)~~. In the case of a group the name and mailing address of each
22 of its officers shall be given in the statement. Every group and every individual
23 under this section shall designate a campaign depository account under s. 11.14.
24 Every group shall appoint a treasurer, who may delegate authority but is jointly
25 responsible for the actions of his or her authorized designee for purposes of civil

1 liability under this chapter. The appropriate filing officer shall be notified by a group
2 of any change in its treasurer within 10 days of the change under s. 11.05 (5). The
3 treasurer of a group shall certify the correctness of each statement or report
4 submitted by it under this chapter.

5 **SECTION 1hc.** 11.23 (2) of the statutes is amended to read:

6 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
7 or group treasurer may not be used or expended. The contribution shall be donated
8 to the common school fund or to any charitable organization or transferred to the
9 board for deposit in the Wisconsin election campaign fund, at the option of the
10 treasurer.

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

12 11.24 (1w) No candidate or personal campaign committee of a candidate who
13 applies for a grant under s. 11.50 may accept any contribution from a committee
14 other than a political party committee.

15 **SECTION 1he.** 11.24 (2) of the statutes is renumbered 11.24 (5).

16 **SECTION 1hf.** 11.24 (4) of the statutes is created to read:

17 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
18 elective official or to the personal campaign committee or support committee
19 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
20 official's nomination or reelection to the office held by the official during the period
21 beginning on the first Monday of January in each odd-numbered year and ending
22 on the date of enactment of the biennial budget act.

23 (b) Notwithstanding par. (a), a person may make a contribution to an
24 incumbent partisan state elective official against whom a recall petition has been
25 filed during the period beginning on the date that the petition offered for filing is filed

1 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official
2 resigns at an earlier date under s. 9.10 (3) (c).

3 **SECTION 1hg.** 11.25 (2) (b) of the statutes is amended to read:

4 11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions
5 and make disbursements from a campaign depository account for the purpose of
6 making expenditures in connection with a campaign for national office; for payment
7 of civil penalties incurred by the registrant under this chapter but not under any
8 other chapter; or for payment of the expenses of nonpartisan campaigns to increase
9 voter registration or participation. Notwithstanding par. (a), a personal campaign
10 committee or support committee may accept contributions and make disbursements
11 from a campaign depository account for payment of inaugural expenses of an
12 individual who is elected to state or local office. If such expenses are paid from
13 contributions made to the campaign depository account, they are reportable under
14 s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s.
15 11.06 (1). If contributions from the campaign depository account are used for such
16 expenses, they are subject to s. 11.26.

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

18 11.26 (1) (intro.) No individual, except an individual serving as a conduit, may
19 make any contribution or contributions to a candidate for election or nomination to
20 any of the following offices and to any individual or committee under s. 11.06 (7)
21 acting solely in support of such a candidate or solely in opposition to the candidate's
22 opponent to the extent of more than a total of the amounts specified per candidate:

23 **SECTION 1hj.** 11.26 (2) (intro.) of the statutes is amended to read:

24 11.26 (2) (intro.) No committee, other than a political party committee or
25 legislative campaign committee, and no individual or committee serving as a

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

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

7 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
8 state treasurer, attorney general, state superintendent or justice, 4% of the value of
9 the disbursement level specified in the schedule under s. 11.31 (1) \$45,000.

10 **SECTION 1hL.** 11.26 (2) (ad) to (au) of the statutes are created to read:

11 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

12 (am) Candidates for attorney general, \$25,000.

13 (au) Candidates for secretary of state, state treasurer, state superintendent, or
14 justice, \$10,000.

15 **SECTION 1hm.** 11.26 (4) of the statutes is amended to read:

16 11.26 (4) ~~No~~ Except as provided in sub. (10), no individual, except an individual
17 serving as a conduit, may make any contribution or contributions to all candidates
18 for state and local offices and to any individuals who or committees which are subject
19 to a registration requirement under s. 11.05, including ~~legislative campaign~~
20 ~~committees and committees of a political party~~, to the extent of more than a total of
21 \$10,000 in any calendar year.

22 **SECTION 1hn.** 11.26 (8) of the statutes is amended to read:

23 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
24 a total of ~~\$150,000~~ \$450,000 in value of its contributions in any biennium from all
25 other committees, excluding ~~contributions from legislative campaign committees~~

1 and transfers between party committees of the party. In this paragraph, a biennium
2 commences with January 1 of each odd-numbered year and ends with December 31
3 of each even-numbered year.

4 (b) No such political party may receive more than a total of ~~\$6,000~~ \$18,000 in
5 value of its contributions in any calendar year from any specific committee or its
6 subunits or affiliates, excluding ~~legislative campaign and~~ political party committees.

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

11 **SECTION 1hp.** 11.26 (8m) of the statutes is created to read:

12 11.26 (8m) (a) Except as provided in par. (b), no committee may make a
13 contribution to any other committee except a political party, personal campaign, or
14 support committee.

15 (b) Paragraph (a) does not apply to any contribution made by a committee that
16 is affiliated with a labor organization to any other committee that is affiliated with
17 the same labor organization.

18 **SECTION 1hq.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.)
19 and amended to read:

20 11.26 (9) (a) (intro.) No individual who is a candidate for state or local office may
21 receive and accept more than ~~65% of the value of the total disbursement level~~
22 ~~determined under s. 11.31 for the office for which he or she is a candidate~~ the
23 following amount during any primary and election campaign combined from ~~all~~
24 ~~committees subject to a filing requirement, including political party and legislative~~
25 ~~campaign committees.~~

1 **SECTION 1hr.** 11.26 (9) (a) 1. to 7. of the statutes are created to read:

2 11.26 (9) (a) 1. For a candidate for the office of governor, \$400,000.

3 2. For a candidate for the office of lieutenant governor, \$100,000.

4 3. For a candidate for the office of attorney general, \$100,000.

5 4. For a candidate for the office of secretary of state, state treasurer, justice or
6 state superintendent, \$50,000.

7 5. For a candidate for the office of state senator, \$24,000.

8 6. For a candidate for the office of representative to the assembly, \$12,000.

9 7. For a candidate for any other state or local office, 20% of the value of the total
10 disbursement level, as determined under s. 11.31 (1) and adjusted as provided under
11 s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the office
12 for which he or she is a candidate.

13 **SECTION 1hs.** 11.26 (9) (b) of the statutes is renumbered 11.26 (9) (b) (intro.)
14 and amended to read:

15 11.26 (9) (b) (intro.) No individual who is a candidate for state or local office may
16 receive and accept more than ~~45% of the value of the total disbursement level~~
17 ~~determined under s. 11.31 for the office for which he or she is a candidate~~ the
18 following amount during any primary and election campaign combined from all
19 committees other than political party and legislative campaign committees subject
20 to a filing requirement.

21 **SECTION 1ht.** 11.26 (9) (b) 1. to 7. of the statutes are created to read:

22 11.26 (9) (b) 1. For a candidate for the office of governor, \$485,190.

23 2. For a candidate for the office of lieutenant governor, \$145,564.

24 3. For a candidate for the office of attorney general, \$ 242,550.

1 4. For a candidate for the office of secretary of state, state treasurer, justice or
2 state superintendent, \$97,031.

3 5. For a candidate for the office of state senator, \$15,525.

4 6. For a candidate for the office of representative to the assembly, \$7,763.

5 7. For a candidate for any other state or local office, 25% of the value of the total
6 disbursement level, as determined under s. 11.31 (1) and as adjusted as provided
7 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the
8 office for which he or she is a candidate.

9 **SECTION 1hu.** 11.26 (9) (c) of the statutes is repealed.

10 **SECTION 1hv.** 11.26 (10) of the statutes is amended to read:

11 11.26 (10) No candidate for state office who files a sworn statement and
12 application to receive a grant from the Wisconsin election campaign fund may make
13 contributions of more than 200% of the amounts specified in sub. (1) to the
14 candidate's own campaign from the candidate's personal funds or property or the
15 personal funds or property which are owned jointly or as marital property with the
16 candidate's spouse, unless the board determines that the candidate is not eligible to
17 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~
18 ~~or s. 11.50 (2) (i) applies.~~ For purposes of this subsection, any contribution received
19 by a candidate or his or her personal campaign committee from a committee which
20 is registered with the federal elections commission as the authorized committee of
21 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the
22 candidate to his or her own campaign. The contribution limit of sub. (4) applies to
23 amounts contributed by such a candidate personally to the candidate's own
24 campaign and to other campaigns, except that a candidate may exceed the limitation

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

3 **SECTION 1hw.** 11.26 (12m) of the statutes is amended to read:

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

7 **SECTION 1hx.** 11.265 of the statutes is repealed.

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

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

14 **SECTION 1jc.** 11.31 (1) (a) to (d) of the statutes are amended to read:

15 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$2,000,000.

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

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

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

20 **SECTION 1jd.** 11.31 (1) (de) of the statutes is created to read:

21 11.31 (1) (de) Candidates for justice, \$300,000.

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

23 11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$100,000 total in the primary
24 and election, with disbursements not exceeding ~~\$21,575~~ \$72,000 for either the
25 primary or the election.

1 (f) Candidates for representative to the assembly, ~~\$17,250~~ \$50,000 total in the
2 primary and election, with disbursements not exceeding ~~\$10,775~~ \$36,000 for either
3 the primary or the election.

4 **SECTION 1jf.** 11.31 (1m) of the statutes is created to read:

5 **11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PARTISAN**
6 **PRIMARY ELECTIONS.** The total disbursement level for any candidate for a partisan
7 office at a general or special election whose name appears on the ballot as a candidate
8 for an office at a primary election preceding that election and who receives less than
9 twice as many votes at that primary election as another candidate for the same office
10 within the same political party, and who has an opponent in the general or special
11 election who received at least 6% of the votes cast for all candidates for the office that
12 the candidate seeks on all ballots at the September primary or any special primary
13 preceding the general or special election, is 120% of the amount specified in sub. (1)
14 for the candidate for the same office who receives the greatest number of votes in the
15 primary election, as adjusted as provided in sub. (9).

16 **SECTION 1jg.** 11.31 (2) of the statutes is amended to read:

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

1 election campaign fund may make or authorize total disbursements from ~~the~~ his or
2 her campaign treasury in any campaign to the extent of more than the amount
3 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding
4 spring or general election for the same office, unless the board determines that the
5 candidate is not eligible to receive a grant, ~~the candidate withdraws his or her~~
6 ~~application under s. 11.50 (2) (h), or s. 11.50 (2) (i) sub. (3p) applies.~~

7 **SECTION 1jh.** 11.31 (2m) of the statutes is repealed:

8 **SECTION 1jj.** 11.31 (3) of the statutes is amended to read:

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

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

16 11.31 (3p) CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION. If a candidate
17 receives a grant under s. 11.50 (9) (b), (ba), or (bb), the disbursement limitation of
18 that candidate for the campaign in which the grant is received is increased by the
19 amount of that grant.

20 **SECTION 1jL.** 11.31 (9) of the statutes is created to read:

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

1 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall
2 be subject to a cost-of-living adjustment to be determined by rule of the board in
3 accordance with this subsection. To determine the adjustment, the board shall
4 calculate the percentage difference between the consumer price index for the
5 12-month period ending on December 31 of each odd-numbered year and the
6 consumer price index for calendar year 2003. For each biennium, the board shall
7 adjust the disbursement limitations specified under sub. (1) by that percentage to the
8 extent required to reflect any difference, rounded to the nearest multiple of \$25 in
9 the case of amounts of \$1 or more, which amount shall be in effect until a subsequent
10 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),
11 and (3), determinations under this subsection may be promulgated as an emergency
12 rule under s. 227.24 without providing evidence that the emergency rule is necessary
13 for the public peace, health, safety, or welfare, and without a finding of emergency.

14 **SECTION 1jm.** 11.38 (1) (a) 2. of the statutes is amended to read:

15 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association
16 may establish and administer a separate segregated fund and solicit contributions
17 from individuals to the fund to be utilized by such corporation or association, for the
18 purpose of supporting or opposing any candidate for state or local office but the
19 corporation or association may not make any contribution to the fund. The fund shall
20 appoint a treasurer and shall register as a political committee under s. 11.05. A
21 parent corporation or association engaging solely in this activity is not subject to
22 registration under s. 11.05, but shall register and file special reports on forms
23 prescribed by the board disclosing its administrative and solicitation expenses on
24 behalf of such fund. A corporation not domiciled in this state need report only its
25 expenses for administration and solicitation of contributions in this state together

1 with a statement indicating where information concerning other administration and
2 solicitation expenses of its fund may be obtained. The reports shall be filed with the
3 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21
4 (16), if applicable, or otherwise in the manner in which continuing reports are filed
5 under s. 11.20 (4) and (8).

6 **SECTION 1jn.** 11.38 (6) of the statutes is amended to read:

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

12 **SECTION 1jp.** 11.38 (8) (b) of the statutes is amended to read:

13 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
14 any disbursement on behalf of a political group which is promoting or opposing a
15 particular vote at a referendum and prior to accepting any contribution or making
16 any disbursement to promote or oppose a particular vote at a referendum, a
17 corporation or association organized under ch. 185 shall register with the
18 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The
19 registration form of the corporation or association under s. 11.05 shall designate an
20 account separate from all other corporation or association accounts as a campaign
21 depository account, through which all moneys received or expended for the adoption
22 or rejection of the referendum shall pass. The corporation or association shall file
23 periodic reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the
24 information required under s. 11.06 (1).

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

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

3 **SECTION 1jr.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

4 **SECTION 1js.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b.

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

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

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

13 11.50 (1) (am) “Eligible political party” means any of the following:

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

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

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

24 11.50 (1) (bm) “General account” means the account in the fund created under
25 sub. (2w).

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

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

4 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
5 file an application with the board requesting approval to participate in the fund. The
6 application shall be filed no later than the applicable deadline for filing nomination
7 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.
8 on the 7th day after the primary or date on which the primary would be held if
9 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
10 after appointment in the case of candidates appointed to fill vacancies. The
11 application shall contain a sworn statement that the candidate and his or her
12 authorized agents have complied with the contribution limitations prescribed in s.
13 11.26 and the disbursement limitations ~~prescribed~~ imposed under s. 11.31 (2), as
14 adjusted under s. 11.31 (9), at all times to which such limitations have applied to his
15 or her candidacy and will continue to comply with the limitations at all times to
16 which the limitations apply to his or her candidacy for the office in contest, unless
17 the board determines that the candidate is not eligible to receive a grant, ~~the~~
18 ~~candidate withdraws his or her application under par. (h), or par. (i) s. 11.31 (3p)~~
19 applies. The application shall also contain a sworn statement that the candidate and
20 his or her agents have not accepted any contribution made by a committee other than
21 a political party committee during the campaign, or, if any such contribution has
22 been accepted, that the contribution has been returned or donated as provided in par.
23 (j), and the candidate and his or her agents will not accept any such contribution
24 during the campaign, unless the candidate is determined by the board to be ineligible
25 to receive a grant after the date of that determination.

1 **SECTION 1jx.** 11.50 (2) (b) 5. of the statutes is amended to read:

2 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
3 of the date of the spring or September primary, or the date that the special primary
4 is or would be held, if required, indicate that the candidate has received an amount
5 equal to at least the amount provided in this subdivision 3% of the applicable
6 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
7 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), from
8 contributions of money, other than loans, made by individuals who reside in this
9 state and, in the case of a candidate for legislative office, by individuals at least 50%
10 of whom reside in a county having territory within the legislative district in which
11 the candidate seeks office, which contributions have been received during the period
12 ending on the date of the spring primary and July 1 preceding such date in the case
13 of candidates at the spring election, or the date of the September primary and
14 January 1 preceding such date in the case of candidates at the general election, or
15 the date that a special primary will or would be held, if required, and 90 days
16 preceding such date or the date a special election is ordered, whichever is earlier, in
17 the case of special election candidates at a special election, which contributions are
18 in the aggregate amount of \$100 or less, and which contributions are fully identified
19 and itemized as to the exact source thereof. A contribution received from a conduit
20 which is identified by the conduit as originating from an individual shall be
21 considered a contribution made by the individual. Only the first \$100 of an aggregate
22 contribution of more than \$100 may be counted toward the required percentage. For
23 a candidate at the spring or general election for an office identified in s. 11.26 (1) (a)
24 or a candidate at a special election, the required amount to qualify for a grant is 5%
25 of the candidate's authorized disbursement limitation under s. 11.31. For any other

1 ~~candidate at the general election, the required amount to qualify for a grant is 10%~~
2 ~~of the candidate's authorized disbursement limitation under s. 11.31.~~

3 **SECTION 1jy.** 11.50 (2) (c) of the statutes is amended to read:

4 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the
5 spring primary, September primary, special primary, or date that the special primary
6 would be held, if required, which indicate that he or she has met the qualification
7 under par. (b) 5., the candidate may file a special report with the board. Such report
8 shall be filed not later than the 7th day after the primary, or 7th day after the date
9 the primary would be held, if required, and shall include such supplementary
10 information as to sources of contributions which may be necessary to complete the
11 candidate's qualification. The special report shall cover the period from the day after
12 the last date covered on the candidate's most recent report, or from the date on which
13 the first contribution was received or the first disbursement was made, whichever
14 is earlier, if the candidate has not previously filed a report, to the date of such report.
15 All information included on the special report shall also be included in the
16 candidate's next report under s. 11.20. This paragraph does not apply to a candidate
17 who files reports under s. 11.21 (16).

18 **SECTION 1kc.** 11.50 (2) (g) of the statutes is amended to read:

19 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
20 in accordance with this subsection accepts and agrees to comply with the
21 contribution limitations prescribed in s. 11.26 and the disbursement limitations
22 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
23 or herself and his or her agents during the campaign of that candidate as defined in
24 s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board

1 determines that the candidate is not eligible to receive a grant, ~~the candidate~~
2 ~~withdraws the application under par. (h), or par. (i) s. 11.31 (3p) applies.~~

3 **SECTION 1kd.** 11.50 (2) (h) of the statutes is repealed.

4 **SECTION 1ke.** 11.50 (2) (i) of the statutes is repealed.

5 **SECTION 1kf.** 11.50 (2) (j) of the statutes is created to read:

6 11.50 (2) (j) If a candidate who desires to apply for a grant has accepted, or the
7 candidate's personal campaign committee has accepted, a contribution from a
8 committee other than a political party committee during the campaign for the office
9 that the candidate seeks, the candidate shall, before filing an application to receive
10 a grant, return the contribution or its monetary equivalent to the contributor, or, at
11 the contributor's option, donate an amount equal to the contribution to the fund or
12 to the common school fund. If the board later determines that the candidate is
13 ineligible to receive a grant, the candidate may then accept contributions from
14 committees other than political party committees after the date of that
15 determination.

16 **SECTION 1kg.** 11.50 (2m) of the statutes is created to read:

17 11.50 (2m) PUBLIC INFORMATION. (a) Annually, no later than September 1, the
18 board may notify the state treasurer that an amount not exceeding 5% of the amount
19 transferred to the fund in that year shall be placed in a public information account.
20 Moneys in this account shall be expended by the board for the purpose of providing
21 public information concerning the purpose and effect of this section and s. 71.10 (3).

22 (b) As part of the public information program under par. (a), the board shall
23 prepare an easily understood description of the purpose and effect of this section and
24 s. 71.10 (3).

1 (c) Any amount placed in the public information account that is not expended
2 by the board in any year shall be retained in that account.

3 **SECTION 1kh.** 11.50 (2s) of the statutes is created to read:

4 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party
5 account for each eligible political party. Each political party account consists of all
6 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

7 (b) From the account of each eligible political party, the board shall apportion
8 moneys to eligible candidates representing that party who qualify to receive grants.

9 Whenever an eligible candidate representing an eligible political party receives a
10 grant, the state treasurer shall first make payment of the grant from the political
11 party account of that party, to the extent that sufficient moneys are available in that
12 account to make payment of the grant.

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

16 **SECTION 1kj.** 11.50 (2w) of the statutes is created to read:

17 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
18 the fund consisting of all moneys designated by individuals for deposit in that
19 account under s. 71.10 (3) (a).

20 **SECTION 1kk.** 11.50 (3) of the statutes is repealed.

21 **SECTION 1kL.** 11.50 (4) of the statutes is repealed and recreated to read:

22 11.50 (4) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment
23 of each grant to an eligible candidate from the political party account of that
24 candidate's political party, if any, if there are sufficient moneys in that account to
25 make full payment of the grant, and then from the general account. If there are

1 insufficient moneys in the general account to make full payment of a grant, the state
2 treasurer shall supplement the general account from the appropriation under s.
3 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
4 provided in subs. (4m) and (10), the amount of each grant is the amount specified in
5 sub. (9).

6 **SECTION 1km. 11.50 (4m)** of the statutes is created to read:

7 **11.50 (4m) GRANTS FOR PRIMARY CAMPAIGNS.** If an eligible candidate who
8 qualifies to receive a grant in a spring, general, or special election was opposed in the
9 spring or September primary, or in a special primary, by a candidate who qualified
10 to have his or her name appear on the primary ballot and the eligible candidate won
11 nomination in that primary, the board shall award to that candidate the primary
12 grant specified in sub. (9) (a) at the same time that grants are distributed under that
13 paragraph for the spring, general, or special election, provided that the candidate
14 has filed with the board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1),
15 8.20 (8) (a), or 8.50 (3) (a) nomination papers containing at least the following number
16 of valid signatures of electors for the office that the candidate seeks:

17 (a) For candidates for statewide offices, not less than 4,000 electors.

18 (b) For candidates for state senator, not less than 800 electors.

19 (c) For candidates for representative to the assembly, not less than 400 electors.

20 **SECTION 1kn. 11.50 (5)** of the statutes is amended to read:

21 **11.50 (5) TIME OF DISBURSEMENT.** The state treasurer shall make the
22 disbursements of grants under sub. (9) (a) to the campaign depository account of each
23 eligible candidate under subs. (3) and (4) by the end of the 3rd business day following
24 notice from the board under s. 7.08 (2) (c) or (cm). If an eligible candidate notifies the
25 state treasurer of the information required to make electronic transfers to the

1 candidate's campaign depository account, the state treasurer shall transfer to the
2 candidate any supplemental grants under sub. (9) (b), (ba), or (bb) for which the
3 candidate qualifies immediately following notice from the board under s. 7.08 (2) (c)
4 or (cm). Eligible candidates for governor and lieutenant governor of the same
5 political party may combine accounts if desired.

6 **SECTION 1kp.** 11.50 (6) of the statutes is amended to read:

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

11 **SECTION 1kq.** 11.50 (9) (title) of the statutes is amended to read:

12 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

13 **SECTION 1kr.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
14 to read:

15 11.50 (9) (a) ~~The~~ Except as provided in this paragraph and pars. (b), (ba), and
16 (bb) the total grant available to an eligible candidate may not exceed an amount
17 equal to the lesser of 45% of the disbursement level specified for the office that the
18 candidate seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but
19 without respect to any adjustment under s. 11.31 (1m) or that amount which, when
20 added to all other contributions accepted from sources other than individuals,
21 political party committees and legislative campaign committees by the candidate, is
22 equal to 45% of the disbursement level specified for the applicable office that the
23 candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s.
24 11.31 (9) but without respect to any adjustment under s. 11.31 (1m). Except as
25 provided in pars. (b), (ba), and (bb), the total grant available to an eligible candidate

1 who qualifies for a grant for primary campaign expenses under sub. (4m) may not
2 exceed an amount equal to the lesser of 55% of the disbursement level specified for
3 the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted
4 under s. 11.31 (9), but without respect to any adjustment under s. 11.31 (1m), or that
5 amount which, when added to all other contributions accepted by the candidate, is
6 equal to the disbursement level specified for the office that the candidate seeks, as
7 determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to
8 any adjustment under s. 11.31 (1m). The board shall scrutinize accounts and reports
9 and records kept under this chapter to assure that applicable limitations under ss.
10 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or
11 campaign treasurer may accept grants exceeding the amount authorized by this
12 subsection.

13 **SECTION 1ks.** 11.50 (9) (b), (ba) and (bb) of the statutes are created to read:

14 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
15 more candidates in a general or special election whose names are certified under s.
16 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee intends to receive
17 or receives any contribution or contributions that are intended to be used or that are
18 used to oppose the election of the eligible candidate who accepts a grant or to support
19 a certified opponent of that candidate without cooperation or consultation with any
20 certified opposing candidate or such a candidate's agent or authorized committee,
21 and not in concert with, or at the request or suggestion of any certified opposing
22 candidate's agent or authorized committee, then the board shall make an additional
23 grant to the eligible candidate who accepts a grant in an amount equal to the total
24 amount of contributions received for the purpose of advocating the election of the

1 certified opposing candidate or for the purpose of opposing the election of the eligible
2 candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

3 (ba) If an eligible candidate at a primary or election, or both, who accepts a
4 grant is opposed by one or more candidates who are required, or whose personal
5 campaign committees are required, to file a report under s. 11.12 (8), then the board
6 shall make an additional grant to the eligible candidate who accepts a grant in an
7 amount equal to the total amount or value of disbursements, as reported under s.
8 11.12 (8), made by the opposing candidate or candidates exceeding the amount
9 specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate
10 seeks, as adjusted under s. 11.31 (9) but without respect to any adjustment under s.
11 11.31 (1m).

12 (bb) If the sum of the aggregate disbursements made against an eligible
13 candidate and of the disbursements made for that candidate's opponent, as reported
14 under s. 11.12 (6) (c), exceed 10% of the amount specified under s. 11.31 (1) (a) to (de),
15 (e), or (f), for the office that the eligible candidate seeks as adjusted under s. 11.31
16 (9) but without respect to any adjustment under s. 11.31 (1m), then the board shall
17 make an additional grant to the eligible candidate. The amount of the additional
18 grant shall equal the total of such disbursements made.

19 **SECTION 1kt.** 11.50 (11) (a) of the statutes is amended to read:

20 11.50 (11) (a) ~~No~~ Except as authorized for candidates who are awarded grants
21 under sub. (4m), no grant may be utilized in any primary.

22 **SECTION 1ku.** 11.50 (11) (e) of the statutes is amended to read:

23 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
24 any obligation to expend any grant if he or she violates the pledge required under

1 sub. (2) (a) as a precondition to receipt of a grant, ~~except as authorized in sub. (2) (h)~~
2 ~~or (i).~~

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

4 **11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE.** (a) In each
5 even-numbered year, the board shall certify to the secretary of revenue:

6 1. No later than July 1, the name of each political party that qualifies under
7 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
8 state chairperson has filed a request to establish an account for the party under sub.
9 (2s) (a).

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

13 (b) As soon as possible after receiving a valid application from an eligible
14 candidate under sub. (2) (a) and determining that the candidate is eligible to receive
15 a grant, the board shall certify to the secretary of revenue the full name of that
16 candidate as the name appears on the candidate's nomination papers.

17 (c) In each certification under this subsection, the board shall specify the
18 expiration date of the certification.

19 **SECTION 1kw.** 11.60 (3s) and (3t) of the statutes are created to read:

20 **11.60 (3s)** Notwithstanding sub. (1), if any candidate or committee, other than
21 a conduit, accepts a contribution, makes a disbursement, or incurs an obligation to
22 make a disbursement for the purpose of supporting or opposing a candidate for an
23 office specified in s. 11.31 (1) (a) to (de), (e), or (f) without first registering under s.
24 11.05 (1), (2), or (2g) to the extent required under s. 11.05 (1), (2), and (2g), or without
25 reporting the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with

1 respect to that contribution, disbursement, or obligation, to the extent required
2 under ss. 11.12 (6) (c) and (8) and 11.20 (3) and (4), the candidate or other individual
3 or committee may be required to forfeit not more than \$500 per day for each day of
4 continued violation.

5 (3t) Notwithstanding sub. (1), if any candidate or committee, other than a
6 conduit, accepts one or more contributions, makes one or more disbursements, or
7 incurs one or more obligations to make disbursements for the purpose of supporting
8 or opposing a candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) in
9 an amount or value that differs from the amount reported by that individual or
10 committee under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4):

11 (a) By more than 5% but not more than 10% cumulatively, the candidate or
12 other individual or committee shall forfeit 4 times the amount or value of the
13 difference.

14 (b) By more than 10% but not more than 15% cumulatively, the candidate or
15 other individual or committee shall forfeit 6 times the amount or value of the
16 difference.

17 (c) By more than 15% cumulatively, the candidate or other individual or
18 committee shall forfeit 8 times the amount of the difference.

19 **SECTION 1kx.** 11.60 (4) of the statutes is amended to read:

20 11.60 (4) Actions under this section arising out of an election for state office or
21 a statewide referendum may be brought by the board or by the district attorney of
22 the county where the violation is alleged to have occurred, except as specified in s.
23 11.38. Actions under this section arising out of an election for local office or local
24 referendum may be brought by the district attorney of the county where the violation
25 is alleged to have occurred. Actions under this section arising out of an election for

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

12 **3.** Page 3, line 14: delete lines 14 to 17 and substitute:

13 “11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) or (2r), 11.07
14 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 (1) ~~may be fined not more than \$10,000~~
15 ~~or imprisoned not more than 4 years and 6 months or both~~ is guilty of a Class I
16 felony.”

17 **4.** Page 8, line 2: after that line insert:

18 “**SECTION 9m.** 13.625 (3m) of the statutes is created to read:

19 13.625 (3m) No elective state official and no personal campaign committee of
20 an elective state official may solicit a lobbyist or principal to arrange for another
21 person to make a campaign contribution to that official or personal campaign
22 committee or to another elective state official or the personal campaign committee
23 of that official.”

24 **5.** Page 11, line 9: after that line insert:

1 “SECTION 23p. 19.42 (3m), (4g) and (4r) 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 **6.** Page 11, line 18: after that line insert:

15 “SECTION 25cb. 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 making a communication

1 that contains a reference to a clearly identified state public official holding an
2 elective office or to a candidate for state public office.

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

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

9 **SECTION 25cf.** 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and amended
10 to read:

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

14 **SECTION 25ch.** 19.49 (5) (b) of the statutes is created to read:

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

18 **SECTION 25cj.** 19.53 (6) of the statutes is amended to read:

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

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

11 **SECTION 25cL.** 19.535 of the statutes is created to read:

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

22 **SECTION 25cn.** 19.59 (1) (br) of the statutes is created to read:

23 **19.59 (1) (br)** No local public official holding an elective office may, directly or
24 by means of an agent, give, or offer or promise to give, or withhold, or offer or promise
25 to withhold, his or her vote or influence, or promise to take or refrain from taking

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

8 **SECTION 25cp.** 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and
9 amended to read:

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

15 **SECTION 25cr.** 19.59 (7) (b) of the statutes is created to read:

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

22 **SECTION 25ct.** 19.59 (8) (c) of the statutes is amended to read:

23 19.59 (8) (c) If the district attorney fails to commence an action to enforce sub.
24 (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the
25 district attorney refuses to commence such an action, the person making the

1 complaint may petition the attorney general to act upon the complaint. The attorney
2 general may then bring an action under par. (a) or (b), or both.

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

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

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

18 **7.** Page 19, line 20: after that line insert:

19 “**SECTION 52j.** 20.510 (1) (q) of the statutes is amended to read:

20 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
21 appropriation, from the Wisconsin election campaign fund, the moneys determined
22 under s. 11.50 to provide for payments to eligible candidates whose names are
23 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
24 authorized under s. 11.50 (2m).”

1 **8.** Page 21, line 3: after that line insert:

2 “SECTION 57m. 20.855 (4) (ba) of the statutes is created to read:

3 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
4 equal to the amounts required to make full payment of grants which candidates
5 qualify to receive from the Wisconsin election campaign fund, to be transferred from
6 the general fund to the Wisconsin election campaign fund no later than the time
7 required to make payments of grants under s. 11.50 (5).”.

8 **9.** Page 28, line 8: after that line insert:

9 “SECTION 80m. 25.42 of the statutes is amended to read:

10 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
11 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),
12 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting
13 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
14 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the
15 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall
16 continue to accumulate indefinitely.”.

17 **10.** Page 66, line 15: after that line insert:

18 “SECTION 170pc. 71.10 (3) (a) of the statutes is amended to read:

19 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
20 or is entitled to a tax refund may designate ~~\$1~~ \$5 for transfer to the Wisconsin
21 election campaign fund for the use of eligible candidates under s. 11.50. If the
22 individuals filing a joint return have a tax liability or are entitled to a tax refund,
23 each individual may make a designation of ~~\$1~~ \$5 under this subsection. Each
24 individual making a designation shall indicate whether the amount designated by

1 that individual shall be placed in the general account for the use of all eligible
2 candidates for state office, or in the account of an eligible political party whose name
3 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not
4 indicate that the amount of his or her designation shall be placed in the account of
5 a particular eligible political party, that amount shall be placed in the general
6 account.

7 **SECTION 170pe.** 71.10 (3) (b) of the statutes is amended to read:

8 71.10 (3) (b) The secretary of revenue shall provide a place for these
9 designations under par. (a) on the face of the individual income tax return and shall
10 provide next to that place a statement that a designation will not increase tax
11 liability. ~~Annually on August 15~~ The secretary shall also provide and highlight a
12 place in the instructions that accompany the return for any information submitted
13 to the secretary by the elections board under s. 11.50 (2m) without cost to the board.
14 No later than the 15th day of each month, the secretary of revenue shall certify to
15 the elections board, the department of administration and the state treasurer ~~under~~
16 ~~s. 11.50~~ the total amount of designations made on returns processed by the
17 department of revenue during the preceding fiscal year month and the amount of
18 designations made during that month for the general account and for the account of
19 each eligible political party. If any individual attempts to place any condition or
20 restriction upon a designation not authorized under par. (a), that individual is
21 deemed not to have made a designation on his or her tax return.”.

22 **11.** Page 224, line 10: after that line insert:

23 “SECTION 519m. 806.04 (11m) of the statutes is created to read:

1 806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to
2 publish, disseminate, or broadcast, or causes to be published, disseminated, or
3 broadcast, any communication may commence a proceeding under this section to
4 determine the application to that person of a registration requirement under s. 11.05
5 (1), (2), or (2g).”.

6 **12.** Page 355, line 14: after that line insert:

7 “(1wo) NONSEVERABILITY; CAMPAIGN FINANCING.

8 (a) *Certain communications and matching grants.* Notwithstanding section
9 990.001 (11) of the statutes, if a court finds that all or any portion of sections 11.01
10 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), or 11.50 (9) (b) or (bb) of the statutes, as created
11 by this act, is unconstitutional, then sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m),
12 and 11.50 (9) (b) and (bb) of the statutes, as created by this act, are void in their
13 entirety.

14 (b) *Other provisions.* Notwithstanding section 990.001 (11) of the statutes, if
15 a court finds that any part of section 11.12 (8) or 11.50 (9) (ba) of the statutes, as
16 created by this act, is unconstitutional, this entire act is void.”.

17 **13.** Page 387, line 22: after that line insert:

18 “(1wo) INVESTIGATOR AND AUDITOR POSITIONS. In the schedule under section
19 20.005 (3) of the statutes for the appropriation to the elections board under section
20 20.510 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
21 increased by \$76,100 for fiscal year 2001–02 and the dollar amount is increased by
22 \$85,100 for fiscal year 2002–03 to increase the authorized FTE positions for the
23 elections board by 1.0 GPR campaign finance investigator position and 1.0 GPR
24 auditor position and to fund supporting expenses for these positions.”.

1 **14.** Page 435, line 9: after that line insert:

2 “(1wox) CAMPAIGN FINANCING; GENERALLY. The treatment of sections 5.02 (13),
3 7.08 (2) (c), (cm), and (cs), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 8.30 (2), 8.35 (4)
4 (a) 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m), 11.01 (12s), and (16) (a) 3., 11.05 (1)
5 (b), (2) (b), (2r) (title) and (intro.), (3) (c), (m), (o), and (r), (5), (9) (title), (12) (b), and
6 (13), 11.06 (1) (intro.) and (e), (2), (2m) (b) to (d), (4) (b), (5), (7m) (a) and (c), and (11)
7 (c), 11.07 (1) and (5), 11.09 (3), 11.10 (1), 11.12 (2), (2m), (4), (5), (6) (c) and (d), (8), and
8 (9), 11.14 (3), 11.16 (2) and (5), 11.19 (title) and (1), 11.20 (1), (2s), (2t), (7), (9), (10)
9 (a), and (12), 11.21 (2), (15), and (16), 11.22 (3), 11.23 (1) and (2), 11.24 (1w), (2), and
10 (4), 11.25 (2) (b), 11.26 (1) (intro.), (2) (intro.), (a), and (ad) to (an), (4), (8), (8m), (9)
11 (a) 1. to 7., (b) 1. to 7., and (c), (10), and (12m), 11.265, 11.31 (1) (intro.), (a) to (d), (de),
12 (e), and (f), (1m), (2), (2m), (3), and (3p), 11.38 (1) (a) 2., (6), and (8) (b), 11.50 (1) (a)
13 1. (intro.), 2., and 2m., (am), (bm), and (cm), (2) (a), (b) 5., (2) (c), (g), (i), and (j), (2m),
14 (2s), (2w), (3), (4), (4m), (5), (6), (9) (title), (b), (ba), and (bb), (11) (a) and (e), and (14),
15 11.60 (3s), (3t), and (4), 11.61 (1) (a) (with regard to the reference to 11.05 (2r) and
16 11.24 (1)), 13.625 (3m), 19.42 (3m), (4g), and (4r), 19.45 (13), 19.49 (1m) and (5) (b),
17 19.53 (6), 19.535, 19.59 (1) (br), (7) (b), and (8) (c), (cm), and (cn), 20.510 (1) (q), 20.855
18 (4) (ba), 25.42, 71.10 (3) (b), and 806.04 (11m) of the statutes and the renumbering
19 and amendment of sections 19.49 (5) and 19.59 (7), 11.05 (1) and (2), 11.12 (6), 11.26
20 (9) (a) and (b), 11.50 (9), 19.49 (5), and 19.59 (7) of the statutes, and the renumbering
21 of section 11.50 (1) (a) 1. of the statutes first apply to elections held on the day after
22 publication.

23 (1woy) INCOME TAX CHECK-OFF. The treatment of section 71.10 (3) (a) of the
24 statutes first applies to claims filed for taxable years beginning on January 1 of the

1 year in which this subsection takes effect, except that if this subsection takes effect
2 after July 31 the treatment first applies to claims filed for taxable years beginning
3 on January 1 of the year following the year in which this subsection takes effect.

4 (1woz) COST OF LIVING ADJUSTMENTS. The treatment of section 11.31 (9) of the
5 statutes first applies to adjustments for the biennium beginning on January 1,
6 2004.”

7 (END)

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

LRBb2706/1dn
JTK/RJM/MES(kgxjif)

March 25, 2002 13 update

CN 6701

Currently, ch. 11., stats., generally requires disclosure of financial activity by individuals and committees seeking to influence the election or defeat of candidates for state or local office [see ss. 11.01 (6), (7), (11), and (16), 11.05, and 11.06, stats.], unless a disbursement is made or obligation incurred by an individual other than a candidate or by a committee which is not organized primarily for political purposes, the disbursement is not a contribution as defined in the law and the disbursement is not made to expressly advocate the election or defeat of a clearly identified candidate [see s. 11.06 (2), stats.]. This language pretty closely tracks the holding of the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612, 656-664 (1976), which prescribes the boundaries of disclosure that may be constitutionally enforced (except as those requirements affect certain minor parties and independent candidates). Proposed ss. 11.01 (16) (a) 3. and 11.12 (6) (c), which require registration and reporting by individuals who or committees that make certain mass communications within specified periods preceding an election containing a reference to a candidate at that election, an office to be filled at that election, or a political party, appear to extend beyond the boundaries which the court permitted in 1976. As a result, the enforceability of these provisions at the current time appears to rest upon a shift by the court in its stance on this issue. In this connection, see also *North Carolina Right to Life, Inc., v. Bartlett*, 168 F. 3d 705 (4th Cir. 1999), cert. denied, 120 S. Ct. 1156 (2000), in which the court voided North Carolina's attempt to regulate issue advocacy as inconsistent with *Buckley*.

We want to note briefly that a few of the provisions of this draft are innovative, and we do not yet have, to our knowledge, specific guidance from the U.S. Supreme Court concerning the enforceability of provisions of these types. It is well possible that a court may find a rational basis for these provisions that would permit them to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases, that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association or upon equal protection guarantees, it is possible that enforceability problems with these provisions may occur. In particular, those provisions concerning which we do not have specific guidance at this time are:

(a) Proposed s. 11.12 (6) (c), which imposes a waiting period of up to 21 days before certain contributions may be transferred or accepted or before certain disbursements may be made or obligations to make disbursements may be incurred.

(b) Proposed s. 11.12 (8), which requires candidates who do not accept public grants to file special reports that are not required of candidates who accept public grants.

(c) Proposed s. 11.26 (8m), which prohibits committees from making contributions to certain other committees. Although the U.S. Supreme Court has not ruled on the enforceability of a provision of this type, the court has indicated some willingness to permit limits on contributions beyond those specifically approved in *Buckley v. Valeo*. See *California Med. Assn. v. FEC*, 453 U.S. 182, 193-99 (1981) (\$5,000 limitation on individual-to-PAC contributions is a reasonable method of preventing individuals from evading limits on direct campaign contributions).

(d) Proposed s. 11.50 (9) (b) and (bb) which provides public grants to qualifying candidates to match certain independent disbursements and other expenditures and disbursements exceeding the disbursement limitations by candidates who do not accept public grants. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. 11.50 (9) (b), (ba), or (bb) were challenged.

If you need further information or would like to make any changes based on the above information, please let us know.

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