

ENGROSSED 2001 SENATE BILL 104

January 30, 2002 – Printed by direction of SENATE CHIEF CLERK.

1 **AN ACT** *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (2m), 11.50
2 (2) (h), 11.50 (2) (i) and 11.50 (3); *to renumber* 11.05 (2r) (title), 11.24 (2), 11.50
3 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and amend* 11.05 (1), 11.05 (2), 11.05
4 (2r), 11.12 (6), 11.26 (9) (a), 11.26 (9) (b), 11.50 (9), 19.49 (5) and 19.59 (7); *to*
5 **amend** 5.02 (13), 7.08 (2) (c) and (cm), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4),
6 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05
7 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (4) (b), 11.06
8 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.06 (11) (c), 11.07 (1), 11.07 (5), 11.09 (3),
9 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title),
10 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21
11 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.25 (2) (b), 11.26 (1) (intro.), 11.26
12 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (10), 11.26 (12m), 11.31 (1)
13 (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a)
14 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g),

ENGROSSED SENATE BILL 104

1 11.50 (5), 11.50 (6), 11.50 (9) (title), 11.50 (11) (a), 11.50 (11) (e), 11.60 (4), 11.61
2 (1) (a), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.10 (3) (a) and 71.10 (3) (b);
3 **to repeal and recreate** 11.05 (9) (title) and 11.50 (4); and **to create** 7.08 (2)
4 (cs), 11.001 (2m), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05
5 (3) (r), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9),
6 11.20 (2s), 11.20 (2t), 11.24 (1w), 11.24 (4), 11.26 (2) (ad) to (au), 11.26 (8m), 11.26
7 (9) (a) 1. to 7., 11.26 (9) (b) 1. to 7., 11.31 (1) (de), 11.31 (1m), 11.31 (3p), 11.31
8 (9), 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and
9 (cm), 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50 (9) (b), (ba)
10 and (bb), 11.50 (14), 11.60 (3s) and (3t), 13.625 (3m), 19.42 (3m), (4g) and (4r),
11 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8)
12 (cm) and (cn), 20.855 (4) (ba) and 806.04 (11m) of the statutes; **relating to:**
13 campaign financing, official action in return for providing or withholding
14 political contributions, services, or other things of value, lobbying regulation,
15 designations for the Wisconsin election campaign fund by individuals filing
16 state income tax returns, staffing of the elections board, providing exemptions
17 from emergency rule procedures, granting rule-making authority, making
18 appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau***Engrossment information:***

The text of Engrossed 2001 Senate Bill 104, as ordered to a third reading on January 29, 2002, consists of Senate Substitute Amendment 1, as adopted in the senate on that date, as affected by the following Senate Amendments adopted in the senate on that date: Senate Amendments 1, 2, 3, 5, and 6 (as affected by chief clerk's correction).

Senate Amendments 3 and 6 both affect proposed s. 11.50 (9) (b). This bill reflects the effect of both amendments, which causes certain cross-references to be omitted.

ENGROSSED SENATE BILL 104

Senate Amendment 2 affects the version of proposed s. 11.50 (9) (b) that was deleted by Senate Amendment 6. As a result, the treatment from Senate Amendment 2 is not included in this bill.

Content of Engrossed 2001 Senate Bill 104:

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the income tax laws and to the staffing of the elections board. Significant changes include:

FILING OF CAMPAIGN FINANCE REPORTS***Exemptions from registration and reporting***

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

This bill provides that an individual who accepts contributions, makes disbursements, or incurs obligations or a group that makes or accepts contributions, makes disbursements, or incurs obligations in connection with one or more referenda is not subject to registration and reporting requirements until the individual or group engages in activity exceeding \$100 cumulatively within a calendar year.

The bill also permits an individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements only if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

Electronic filing

Currently, reports under the campaign finance law must be filed by certain dates specified by law and must cover time periods specified by law. Candidates for state office or their personal campaign or authorized support committees and other individuals, committees, and groups supporting or opposing candidates for state office or statewide ballot questions file their reports with the state elections board. Each registrant for whom the elections board serves as a filing agency and who or that accepts contributions in a total amount or value of \$20,000 or more during a campaign period, or a biennial period for a registrant other than a candidate or personal campaign or support committee, must file reports with the board electronically. Any registrant who or that files a report electronically must also file a copy of the report recorded on a medium prescribed by the board.

ENGROSSED SENATE BILL 104

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

Mass media activities

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

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

Special reporting by certain registrants

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

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

ENGROSSED SENATE BILL 104

by electronic mail or facsimile transmission, with the elections board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The daily reports may be filed no later than 24 hours after each disbursement is made, and must include the information that is currently required to be reported pertaining to disbursements made by candidates. The daily reports must be filed during the time period beginning with the later of the date of the disbursement that triggers the requirement or the 7th day after the applicable primary election or the date that a primary would be held, if required, and ending with date of the election at which the candidate seeks office.

This bill also creates additional reporting requirements, applicable to certain special interest committees. Under the bill, reporting may be required of any special interest committee, other than a conduit, that intends to receive any contribution, make any disbursement, or incur any obligation to make a disbursement (as currently defined) independently of a candidate for the purpose of advocating the election or defeat of a clearly identified candidate for a major state office at the general or a special election or any applicable primary election. In addition, reporting may be required of any special interest committee, other than a conduit, that intends to receive any contribution, make any disbursement, or incur any obligation to make any other expenditure independently of a candidate for the purpose of making communications, within 60 days of an election and by means of communications media, which include a reference to a candidate at that election, an office to be filled at that election, or a political party. These additional reporting requirements do not apply to communications that are made by a corporation, cooperative, or nonpolitical voluntary association and that are limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

Under the bill, the special interest committee must file these additional reports on the 63rd, 42nd, and 21st day prior to the applicable election, and in the case of a special election, on the 21st day prior to that election. The reports must specify the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements or other expenditures to be made, and obligations to be incurred for that purpose during the 21-day period following the date on which the report is due to be filed. The bill also requires additional reports to be filed on the 39th and 18th days preceding each general election and the 18th day preceding each special election, itemizing the actual contributions transferred and received, disbursements made, and obligations incurred for the applicable 21-day period.

Timeliness in filing reports

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

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

ENGROSSED SENATE BILL 104**DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS**

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

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

This bill:

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

<i>Office</i>	<i>Current Level</i>	<i>Proposed Level</i>
Governor	\$1,078,200	\$2,000,000
Lieutenant governor	323,475	500,000
Attorney general	539,000	700,000
Secretary of state	215,625	250,000
State treasurer	215,625	250,000
Supreme court justice	215,625	300,000
State superintendent	215,625	250,000
State senator	34,500	100,000
Representative to the assembly	17,250	50,000

2. Increases the total disbursement limitation for a candidate for partisan office at a general or special election whose name appears on the ballot at a primary election, who receives less than twice as many votes at that election as another candidate for the same office within the same party, and who has an opponent at the general or special election who received at least 6% of the votes cast for all candidates for that office at the primary election. Under the bill, the increased disbursement limitation is 120% of the amount provided for the candidate receiving the greatest number of votes for that office.

ENGROSSED SENATE BILL 104

3. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2004, in accordance with a formula tied to the “consumer price index” determined by the U.S. department of labor.

4. Replaces the provision requiring reports of cumulative independent disbursements exceeding \$20 made later than 15 days prior to a primary or election with a provision that requires cumulative independent disbursements *or obligations* exceeding \$20 during that period to be so reported.

5. Increases the disbursement limitation of any candidate who accepts a public grant by: a) an amount equal to any independent disbursements or independent expenditures other than disbursements made by special interest committees in close proximity to the election for the purpose of making certain mass communications that are made to oppose that candidate, or to support that candidate’s opponent, if that amount exceeds 10% of the disbursement limitation for the office that the candidate seeks; and b) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by any opposing candidate who does not accept a public grant.

6. Repeals the procedure by which a candidate who would not otherwise be subject to statutory disbursement limitations may voluntarily agree to comply with these limitations.

7. Repeals the exemption from disbursement limitations that currently applies to any candidate who accepts a grant from the Wisconsin election campaign fund and who is opposed by a major opponent who could have qualified for a grant but declines to accept one. Under the bill, the candidate accepting the grant remains bound by the applicable disbursement limitations.

CONTRIBUTION LIMITATIONS

Under current law, committees other than political party committees and legislative campaign committees are subject to limitations on the amount of contributions made cumulatively to a particular candidate. A committee may contribute up to \$43,238 to a candidate for statewide office. Current law also limits the cumulative amount of contributions that a committee may make annually to a particular political party, limits the cumulative amount of contributions that a political party may accept annually from a particular committee, and limits the aggregate total of contributions that a political party may accept during any biennium from all committees. Currently, a committee may annually contribute up to \$6,000 to a particular political party, a political party may annually accept up to \$6,000 from a particular committee, and a political party may accept up to \$150,000 in contributions from all committees during any biennium.

This bill establishes specified limitations on committee contributions to candidates for statewide office as follows: a) candidates for governor, \$45,000; b) candidates for lieutenant governor, \$15,000; c) candidates for attorney general, \$25,000; and d) candidates for secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court, \$10,000. Under the bill, the limitation on committee contributions to a particular political party, and on the annual amount that a political party may accept from a particular committee, is

ENGROSSED SENATE BILL 104

increased to \$18,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$450,000.

Under current law, the aggregate contributions accepted by a candidate for state or local office from all committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 65% of the disbursement level or limitation for the office that the candidate seeks. In addition, the contributions received by a candidate for state or local office from all committees other than political party or legislative campaign committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 45% of the disbursement level or limitation for the office that the candidate seeks. This bill provides instead that the aggregate contributions accepted by a candidate for state or local office from all political party committees may not exceed the following:

<i>Office</i>	<i>Maximum Amount</i>
Governor	\$400,000
Lieutenant governor	100,000
Attorney general	100,000
Secretary of state, state treasurer, justice of the supreme court or superintendent of public instruction	50,000
State senator	24,000
Representative to the assembly	12,000
Any other state or local office	20% of the value of the total disbursement level for the office

In addition, the bill provides that the aggregate contributions received by a candidate for state or local office from all committees other than political party committees may not exceed the following:

<i>Office</i>	<i>Maximum Amount</i>
Governor	\$485,190
Lieutenant governor	145,564
Attorney general	242,550
Secretary of state, state treasurer, justice of the supreme court or superintendent of public instruction	97,031
State senator	15,525
Representative to the assembly	7,763
Any other state or local office	25% of the value of the total disbursement level for the office

ENGROSSED SENATE BILL 104**TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES**

Currently, the adherents of any political party in either house of the legislature may organize a “legislative campaign committee” to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

This bill eliminates the special status of legislative campaign committees, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations.

OTHER CONTRIBUTION RESTRICTIONS

This bill creates the following new prohibitions on contributions:

1. It prohibits contributions to incumbents who are seeking reelection to a partisan state office from the first Monday in January of each odd-numbered year through the enactment of the biennial budget act. The prohibition does not apply to contributions made to an incumbent who is subject to a recall election from the date on which the petition for a recall election is filed until the date of the recall election.

2. It prohibits any committee from making a contribution to any special interest committee. The prohibition does not apply to a committee that is affiliated with a labor organization that transfers a contribution to another committee that is affiliated with the same labor organization.

3. It prohibits an elective state official or personal campaign committee of an elective state official from soliciting a lobbyist or principal (person who employs a lobbyist) to arrange for another person to make a contribution to that official or personal campaign committee or to another elective state official or the personal campaign committee of that official.

Currently, if a registrant receives a contribution, the registrant must deposit the contribution in its campaign depository account no later than the end of the fifth business day commencing after receipt, unless the registrant returns the contribution before that time. A registrant must report the occupation and principal place of employment of any individual who makes any contribution or contributions to a registrant exceeding \$100 in amount or value cumulatively within a calendar year. This bill provides that whenever a registrant receives a contribution in the form of money the registrant must obtain this information from a contributor, if required, before depositing the contributor’s contribution in its campaign depository account. Under the bill, if the registrant does not obtain the required information within the period prescribed for making deposits, the registrant must return the contribution.

CONTRIBUTIONS THROUGH CONDUITS

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount to be transferred and the individual to whom or the organization to which the transfer is made, the

ENGROSSED SENATE BILL 104

contribution is considered to be made by the original contributor for purposes of reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining compliance with contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a “conduit” under the law. In most cases, a conduit is required to register and file campaign finance reports unless the conduit does not transfer any contributions to candidates or to personal campaign, legislative campaign, or political party committees.

This bill treats a contribution of money transferred by a conduit as a contribution from the conduit rather than from the individuals contributing to the conduit and applies the same limitations on the amounts of conduit contributions to candidates as apply to committee contributions to candidates. The change does not affect aggregate limitations on the amounts of contributions that candidates may accept from committees.

DISPOSITION OF RESIDUAL OR EXCESS FUNDS

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

This bill allows residual or excess funds to be transferred to the Wisconsin election campaign fund.

WISCONSIN ELECTION CAMPAIGN FUND***Sources and uses of funds***

Under current law, the Wisconsin election campaign fund is financed through an individual income tax “checkoff.” Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose.

This bill:

1. Increases the amount of the individual income tax checkoff for the Wisconsin election campaign fund from \$1 to \$5, effective for tax returns filed for taxable years beginning on or after January 1 following the day on which the bill becomes law. Under the bill, individuals filing a joint return may separately choose whether to make the \$5 checkoff. The bill also permits individuals to determine whether to designate their checkoffs for a “general account,” which is distributed to all candidates who qualify for a grant, or for the account of an eligible political party, which is distributed to all candidates representing that party who qualify for a grant. However, if there are insufficient moneys in these accounts to permit any candidate who qualifies for a grant from receiving the full amount for which the candidate

ENGROSSED SENATE BILL 104

qualifies, the bill provides for the deficiency to be drawn from state general purpose revenue.

2. Authorizes the state elections board to set aside an amount not exceeding 5% of the moneys transferred to the Wisconsin election campaign fund in each year, before distributions are made to candidate office accounts, to provide public information concerning the purpose and effect of the fund and the income tax checkoff for the fund. As part of the public information program, the board must prepare an easily understood description of the purpose and effect of the fund and the tax checkoff. The department of revenue is required to include and highlight the description in its income tax preparation instructions related to the tax checkoff.

Grant eligibility requirements and amounts

Under current law, grants from the Wisconsin election campaign fund are available to finance specified campaign expenses of eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least 6% of the total votes cast in the primary and have won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least 6% of the vote; or b) receive at least 6% of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court, or superintendent of public instruction, the amount is 5% of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is 10% of the authorized disbursement level for the office which the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless at least one of the candidate's opponents who received at least 6% of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is that amount which, when added to all other contributions accepted from sources other than individuals, political party committees, and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office which

ENGROSSED SENATE BILL 104

the candidate seeks. No grants are available to finance campaign expenses in primary elections.

Currently, the elections board must notify the state treasurer that a candidate has qualified to receive a grant as soon as possible after the board is able to determine that the candidate has qualified to receive the grant. The state treasurer then has three business days to transmit the grant to the candidate.

This bill:

1. Provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 3% of the authorized disbursement level for the office which the candidate seeks in order to qualify for a grant, but provides that the contributions of \$100 or less from individuals used by a candidate for any state office to determine eligibility for a grant from the Wisconsin election campaign fund must be made by individuals who reside in this state and, in the case of a candidate for legislative office, by individuals at least 50% of whom reside in a county having territory within the district in which the candidate seeks office.

2. Provides that a candidate who applies for a grant may not accept any contribution from any committee other than a political party committee. If the candidate has accepted any contribution from a committee other than a political party committee during the campaign for the office that the candidate is currently seeking, the candidate must return the contribution to the contributor or donate the contribution to a charitable organization or to the Wisconsin election campaign fund or the common school fund before filing an application for a grant. The candidate may, however, later accept a contribution from a committee other than a political party committee if the candidate is determined by the elections board to be ineligible to receive a grant, after the date of that determination.

3. Provides that the maximum grant that a candidate for state office may receive is the lesser of 45% of the authorized disbursement limitation for the office that the candidate seeks, or that amount which, when added to all other contributions accepted by the candidate, is equal to the disbursement limitation for the office that the candidate seeks, unless the candidate qualifies to receive a grant for primary election campaign expenses or a supplemental grant (see below).

4. Permits a candidate who qualifies to receive a grant for a general, spring, or special election campaign, who was opposed at the primary election preceding that election by a candidate whose name appeared on the ballot, and who files double the minimum number of nomination paper signatures currently required for the office that the candidate seeks, to receive a grant to finance specified primary election campaign expenses. This grant, in combination with the grant received by the candidate for the election campaign, is equal the lesser of 55% of the authorized disbursement limitation for the office that the candidate seeks or that amount which, when added to all other contributions accepted by the candidate, is equal to the disbursement limitation for the office that the candidate seeks, unless the candidate qualifies to receive a supplemental grant (see below).

5. Provides that a candidate who accepts a grant shall receive a supplemental grant in an amount equal to: a) the total amount of any independent disbursements

ENGROSSED SENATE BILL 104

that are made by special interest committees to oppose that candidate, or to support that candidate's opponent and of any independent expenditures other than disbursements made by special interest committees in close proximity to the election for the purpose of making certain mass communications to oppose that candidate or to support that candidate's opponent, if the total amount exceeds 10% of the disbursement limitation for the office that the candidate seeks; b) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by an opposing candidate who does not accept a grant; and c) the total amount of contributions intended to be received or received by special interest committees for the purpose of opposing the candidate who accepts the grant or supporting that candidate's opponent.

6. Requires the elections board and state treasurer to electronically transmit supplemental grants to qualifying candidates who so request within 24 hours after the candidates qualify to receive the supplemental grants.

PENALTIES FOR VIOLATIONS

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Currently, any person who makes an unlawful contribution is subject to a forfeiture of treble the amount of the unlawful contribution.

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

This bill provides that if any candidate or committee, other than a conduit, accepts a contribution, makes a disbursement, makes any other expenditure for the purpose of making certain mass media communications (see above) or incurs an obligation to make a disbursement to support or oppose a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, or justice of the supreme court) without first registering and reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any of these candidates or committees accepts one or more contributions, makes one or more disbursements, or incurs one or more obligations to make disbursements for such a purpose in an amount that is more or less than the amount reported by that candidate or committee:

ENGROSSED SENATE BILL 104

1. By more than 5% but not more than 10%, the candidate or committee must forfeit four times the amount of the difference.
2. By more than 10% but not more than 15%, the candidate or committee must forfeit six times the amount of the difference.
3. By more than 15%, the candidate or committee must forfeit eight times the amount of the difference.

INITIAL APPLICABILITY

All campaign finance changes under the bill apply to elections held on or after the day on which the bill becomes law.

ELECTIONS BOARD

This bill increases the authorized FTE positions for the board by 1.0 GPR campaign finance investigator position and 1.0 GPR auditor position.

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

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

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

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

The bill also provides that, if the ethics board refuses or otherwise fails to authorize an investigation or a district attorney fails to initiate a prosecution with respect to any violation of the prohibition created by the bill within 30 days after receiving a verified complaint alleging such a violation, the person making the complaint may bring a lawsuit to recover a forfeiture on behalf of the state. If the person making the complaint prevails, the bill provides that the court may require

ENGROSSED SENATE BILL 104

the defendant to pay the complainant's attorney fees and costs, but any forfeiture recovered must be paid to the state. If the court finds that a lawsuit was frivolous, the court must award fees and costs to the defendant. The bill provides that no complaint alleging a violation of the prohibition contained in the bill may be filed during the period beginning 120 days before a general or spring election or the date that a special election is ordered and ending on the date of that election against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

NONSEVERABILITY

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill relating to reporting of independent expenditures for mass communications and provision of supplemental grants to candidates who are opposed or whose opponents are supported by those expenditures or by independent disbursements that are reportable under current law is found by a court to be invalid, then all of those parts of the act are void. The bill also provides that if any part of the act resulting from enactment of the bill relating to reporting by candidates who decline to accept public grants and provision of supplemental grants to candidates who are opposed or whose opponents are supported by those expenditures is found by a court to be invalid, then the entire act is void.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.02 (13) of the statutes is amended to read:

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

8 **SECTION 3.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

9 7.08 (2) (c) As soon as possible after the canvass of the spring and September
10 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
11 September, transmit to the state treasurer a certified list of all eligible candidates

ENGROSSED SENATE BILL 104

1 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
2 determines ~~to be~~ are eligible to receive payments from the Wisconsin election
3 campaign fund. The board shall also electronically transmit a similar list of
4 candidates who the board determines are eligible to receive a grant under s. 11.50
5 (9) (ba) or (bb) within 24 hours after any candidate qualifies to receive such a grant.
6 Each list shall contain each candidate's name, the mailing address indicated upon
7 the candidate's registration form, the office for which the individual is a candidate
8 and the party or principle which he or she represents, if any.

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

22 **SECTION 4.** 7.08 (2) (cs) of the statutes is created to read:

23 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the
24 period beginning with the month following certification and ending with the month
25 in which the next certification is made by the board:

ENGROSSED SENATE BILL 104

1 1. No later than July 1, the name of each political party that qualifies under
2 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
3 state chairperson has filed a request to establish an account for the party under s.
4 11.50 (2s) (a).

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

9 **SECTION 5.** 8.10 (3) (intro.) of the statutes is amended to read:

10 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall
11 be appended to each nomination paper. The Except as otherwise required under s.
12 11.50 (4m) for a candidate who seeks a grant from the Wisconsin election campaign
13 fund, the number of required signatures on nomination papers filed under this
14 section is:

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

16 8.15 (6) (intro.) The Except as otherwise required under s. 11.50 (4m) for a
17 candidate who seeks a grant from the Wisconsin election campaign fund, the number
18 of required signatures on nomination papers shall be as follows:

19 **SECTION 7.** 8.20 (4) of the statutes is amended to read:

20 8.20 (4) The Except as otherwise required under s. 11.50 (4m) for a candidate
21 who seeks a grant from the Wisconsin election campaign fund, the number of
22 required signatures on nomination papers for independent candidates shall be the
23 same as the number specified in s. 8.15 (6). For independent presidential electors
24 intending to vote for the same candidates for president and vice president, the

ENGROSSED SENATE BILL 104

1 number of required signatures shall be not less than 2,000 nor more than 4,000
2 electors.

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

4 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
5 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable
6 deadline for filing nomination papers by such the candidate, or the deadline for filing
7 a declaration of candidacy for an office for which nomination papers are not filed, the
8 name of the candidate may not appear on the ballot. This subsection may not be
9 construed to exempt a candidate from applicable penalties if he or she files a
10 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

11 **SECTION 9.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

12 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~
13 ~~if~~ If the former candidate was a partisan candidate ~~or, donated to the former~~
14 ~~candidate's local or state political party,~~ donated to the former
15 ~~the former candidate's choice or the charitable organization chosen or transferred to~~
16 the board for deposit in the Wisconsin election campaign fund, as instructed by the
17 former candidate or, if the candidate left no instruction, by the former candidate's
18 next of kin ~~if the former candidate is deceased, or if no choice is made returned to the~~
19 ~~donors on a proportional basis; or~~

20 b. If the former candidate was a nonpartisan candidate, donated to the a
21 ~~charitable organization of the former candidate's choice or the charitable~~
22 ~~organization chosen or transferred to the board for deposit in the Wisconsin election~~
23 campaign fund, as instructed by the former candidate or, if the candidate left no
24 instruction, by the former candidate's next of kin ~~if the former candidate is deceased;~~
25 or

ENGROSSED SENATE BILL 104

1 **SECTION 10.** 8.35 (4) (c) and (d) of the statutes are amended to read:

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

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

17 **SECTION 11.** 11.001 (2m) of the statutes is created to read:

18 11.001 **(2m)** The legislature finds a compelling justification for minimal
19 disclosure of all communications made near the time of an election that include a
20 reference to a candidate at that election, an office to be filled at that election, or a
21 political party in order to permit increased funding for candidates who are affected
22 by those communications. This minimal disclosure burden is outweighed by the need
23 to establish an effective funding mechanism for affected candidates to effectively
24 respond to communications that may impact an election.

25 **SECTION 13.** 11.01 (12s) of the statutes is repealed.

ENGROSSED SENATE BILL 104

1 **SECTION 13m.** 11.01 (16) (a) 3. of the statutes is created to read:

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

9 **SECTION 14.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
10 to read:

11 11.05 **(1)** (a) Except as provided in s. 9.10 (2) (d), every committee, other than
12 a personal campaign committee, ~~and every political group subject to registration~~
13 ~~under s. 11.23 which~~ that makes or accepts contributions, incurs obligations or
14 makes disbursements in a calendar year in an aggregate amount in excess of \$25
15 shall file a statement with the appropriate filing officer giving the information
16 required by sub. (3). In the case of any committee other than a personal campaign
17 committee, the statement shall be filed by the treasurer. A personal campaign
18 committee shall register under sub. (2g) ~~or (2r)~~.

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

20 11.05 **(1)** (b) Every political group subject to registration under s. 11.23 which
21 makes or accepts contributions, incurs obligations, or makes disbursements in a
22 calendar year in an aggregate amount in excess of \$100 shall file a statement with
23 the appropriate filing officer giving the information required by sub. (3).

24 **SECTION 16.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
25 to read:

ENGROSSED SENATE BILL 104

1 11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than
2 a candidate or agent of a candidate, who accepts contributions, incurs obligations,
3 or makes disbursements with respect to one or more elections for state or local office
4 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with
5 the appropriate filing officer giving the information required by sub. (3). An
6 individual who guarantees a loan on which an individual, committee or group subject
7 to a registration requirement defaults is not subject to registration under this
8 subsection solely as a result of such default.

9 **SECTION 17.** 11.05 (2) (b) of the statutes is created to read:

10 11.05 (2)(b) Every individual who accepts contributions, incurs obligations, or
11 makes disbursements with respect to one or more referenda in a calendar year in an
12 aggregate amount in excess of \$100 shall file a statement with the appropriate filing
13 officer giving the information required by sub. (3).

14 **SECTION 18.** 11.05 (2r) (title) of the statutes is renumbered 11.06 (2m) (title).

15 **SECTION 19.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and
16 amended to read:

17 11.06 (2m) (a) Any person, committee or group, other than ~~a committee or~~ an
18 individual or committee required to file an oath under s. 11.06 (7), who or which does
19 not anticipate accepting contributions, making disbursements or incurring
20 obligations in an aggregate amount in excess of \$1,000 in a calendar year and does
21 not anticipate accepting any contribution or contributions from a single source, other
22 than contributions made by a candidate to his or her own campaign, exceeding \$100
23 in that year may indicate on its registration statement that the person, committee
24 or group will not accept contributions, incur obligations or make disbursements in
25 the aggregate in excess of \$1,000 in any calendar year and will not accept any

ENGROSSED SENATE BILL 104

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

13 **SECTION 20.** 11.05 (3) (c) of the statutes is amended to read:

14 11.05 (3) (c) In the case of a committee, a statement as to whether the
15 committee is a personal campaign committee, a political party committee, a
16 ~~legislative campaign committee~~, a support committee or a special interest
17 committee.

18 **SECTION 21.** 11.05 (3) (m) of the statutes is created to read:

19 11.05 (3) (m) In the case of a personal campaign committee, the name of the
20 candidate on whose behalf the committee was formed or intends to operate and the
21 office or offices that the candidate seeks.

22 **SECTION 22.** 11.05 (3) (o) of the statutes is repealed.

23 **SECTION 23.** 11.05 (3) (r) of the statutes is created to read:

ENGROSSED SENATE BILL 104

1 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
2 candidate, the telephone number or numbers and a facsimile transmission number
3 or electronic mail address, if any, at which the candidate may be contacted.

4 **SECTION 24.** 11.05 (5) of the statutes is amended to read:

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

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

21 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

22 **SECTION 26.** 11.05 (12) (b) of the statutes is amended to read:

23 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or
24 individual other than a candidate or agent of a candidate shall comply with sub. (1)
25 or (2) no later than the 5th business day commencing after receipt of the first

ENGROSSED SENATE BILL 104

1 contribution by such committee, group or individual, and before making any
2 disbursement. No committee, group or individual, other than a candidate or agent
3 of a candidate, may accept any contribution or contributions exceeding \$25 in the
4 aggregate the amount specified in sub. (1) or (2) during a calendar year at any time
5 when the committee, group or individual is not registered under this section except
6 within the initial 5-day period authorized by this paragraph.

7 **SECTION 27.** 11.05 (13) of the statutes is amended to read:

8 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee
9 or group does not violate this section by accepting a contribution and making a
10 disbursement in the amount required to rent a postal box, or in the minimum amount
11 required by a bank or trust company to open a checking account, prior to the time of
12 registration, if the disbursement is properly reported on the first report submitted
13 under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is
14 registered, whenever a reporting requirement applies to the registrant.

15 **SECTION 28.** 11.06 (1) (intro.) of the statutes is amended to read:

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

23 **SECTION 29.** 11.06 (1) (e) of the statutes is amended to read:

24 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
25 source donated to a charitable organization or to the common school fund, with the

ENGROSSED SENATE BILL 104

1 full name and mailing address of the donee, and a statement of contributions over
2 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

3 **SECTION 30.** 11.06 (2) of the statutes is amended to read:

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

13 **SECTION 31.** 11.06 (2m) (b) to (d) of the statutes are created to read:

14 11.06 (2m) (b) Any individual or committee who or which is required to file an
15 oath under s. 11.06 (7) and who or which accepts contributions, makes disbursements
16 or incurs obligations for the purpose of supporting or opposing one or more
17 candidates for state office and who or which does not anticipate accepting
18 contributions, making disbursements or incurring obligations in an aggregate
19 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
20 contribution or contributions from a single source exceeding \$100 in that year may
21 indicate on its registration statement that the individual or committee will not
22 accept contributions, incur obligations or make disbursements in the aggregate in
23 excess of \$1,000 in any calendar year and will not accept any contribution or
24 contributions from a single source exceeding \$100 in any calendar year. Any
25 registrant making such an indication is not subject to any filing requirement if the

ENGROSSED SENATE BILL 104

1 statement is true. The registrant need not file a termination report. A registrant not
2 making such an indication on a registration statement is subject to a filing
3 requirement. The indication may be revoked and the registrant is then subject to a
4 filing requirement as of the date of revocation, or the date on which aggregate
5 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
6 the date on which the registrant accepts any contribution or contributions exceeding
7 \$100 from a single source during any calendar year, whichever is earlier.

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

ENGROSSED SENATE BILL 104

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

3 **SECTION 32.** 11.06 (4) (b) of the statutes is amended to read:

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

9 **SECTION 33.** 11.06 (5) of the statutes is amended to read:

10 11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a
11 group or committee shall make a good faith effort to obtain all required information.
12 The first report shall commence no later than the date that the first contribution is
13 received and accepted or the first disbursement is made. Each report shall be filed
14 with the appropriate filing officer on the dates designated in s. 11.20 and, if the
15 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The
16 individual or the treasurer of the group or committee shall certify to the correctness
17 of each report. In the case of a candidate, the candidate or treasurer shall certify to
18 the correctness of each report. If a treasurer is unavailable, any person designated
19 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

20 **SECTION 34.** 11.06 (7m) (a) of the statutes is amended to read:

21 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
22 party committee ~~or legislative campaign committee~~ supporting candidates of a
23 political party files an oath under sub. (7) affirming that it does not act in cooperation
24 or consultation with any candidate who is nominated to appear on the party ballot
25 of the party at a general or special election, that the committee does not act in concert

ENGROSSED SENATE BILL 104

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

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

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

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

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

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

24 11.07 (1) Every nonresident committee or group making contributions and
25 every nonresident individual, committee or group making disbursements exceeding

ENGROSSED SENATE BILL 104

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

9 **SECTION 39.** 11.07 (5) of the statutes is amended to read:

10 11.07 (5) Any campaign treasurer or individual who knowingly receives a
11 contribution made by an unregistered nonresident in violation of this section may
12 not use or expend such contribution but shall immediately return it to the source or
13 at the option of the campaign treasurer or individual, donate the contribution to a
14 charitable organization or to the common school fund or transfer the contribution to
15 the board for deposit in the Wisconsin election campaign fund.

16 **SECTION 40.** 11.09 (3) of the statutes is amended to read:

17 11.09 (3) Each registrant whose filing officer is the board, who or which makes
18 disbursements in connection with elections for offices which serve or referenda
19 which affect only one county or portion thereof, except a candidate, personal
20 campaign committee, political party committee or other committee making
21 disbursements in support of or in opposition to a candidate for state senator,
22 representative to the assembly, court of appeals judge or circuit judge, shall file a
23 duplicate original of each financial report filed with the board with the county clerk
24 or board of election commissioners of the county in which the elections in which the
25 registrant participates are held. Such reports shall be filed no later than the dates

ENGROSSED SENATE BILL 104

1 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
2 subsection does not apply to a registrant who or which files reports under s. 11.21
3 (16).

4 **SECTION 41.** 11.10 (1) of the statutes is amended to read:

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

21 **SECTION 42.** 11.12 (2) of the statutes is amended to read:

22 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
23 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
24 expended. The contribution shall be donated to the common school fund or to any

ENGROSSED SENATE BILL 104

1 charitable organization or transferred to the board for deposit in the Wisconsin
2 election campaign fund, at the option of the treasurer.

3 **SECTION 43.** 11.12 (2m) of the statutes is created to read:

4 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in
5 the form of money that is made by an individual who has made contributions to the
6 registrant cumulatively within a calendar year exceeding \$100 in amount or value,
7 and the contributor has not provided to the treasurer the information required under
8 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before
9 depositing the contribution in the campaign depository account. If the treasurer does
10 not receive the information within the period prescribed under s. 11.14 (1), the
11 treasurer shall return the contribution to the contributor.

12 **SECTION 44.** 11.12 (4) of the statutes is amended to read:

13 11.12 (4) Each registrant shall report contributions, disbursements and
14 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
15 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
16 11.06 (2), (3) and (3m), each report shall contain the information which is required
17 under s. 11.06 (1).

18 **SECTION 45.** 11.12 (5) of the statutes is amended to read:

19 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
20 received by a candidate for state office or by a committee or individual from a single
21 contributor later than 15 days prior to a primary or election such that it is not
22 included in the preprimary or preelection report submitted under s. 11.20 (3), the
23 treasurer of the committee or the individual receiving the contribution shall within
24 24 hours of receipt inform the appropriate filing officer of the information required
25 under s. 11.06 (1) in such manner as the board may prescribe. The information shall

ENGROSSED SENATE BILL 104

1 also be included in the treasurer's or individual's next regular report. For purposes
2 of the reporting requirement under this subsection, only contributions received
3 during the period beginning with the day after the last date covered on the
4 preprimary or preelection report, and ending with the day before the primary or
5 election need be reported. This subsection does not apply to a registrant who or
6 which files reports under s. 11.21 (16).

7 **SECTION 46.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
8 to read:

9 11.12 **(6)** (a) If ~~any~~ an individual or committee incurs an obligation or makes
10 a disbursement of more than \$20 cumulatively ~~is made~~ to advocate the election or
11 defeat of a clearly identified candidate ~~by an individual or committee~~ later than 15
12 days prior to a primary or election in which the candidate's name appears on the
13 ballot without cooperation or consultation with a candidate or agent or authorized
14 committee of a candidate who is supported or whose opponent is opposed, and not in
15 concert with or at the request or suggestion of such a candidate, agent or committee,
16 the individual or treasurer of the committee shall, within 24 hours of ~~after incurring~~
17 the obligation or making the disbursement, inform the appropriate filing officer of
18 the information required under s. 11.06 (1) in such manner as the board may
19 prescribe. ~~The information shall also be included in the next regular report of the~~
20 ~~individual or committee under s. 11.20.~~ For purposes of this subsection, paragraph,
21 obligations and disbursements cumulate beginning with the day after the last date
22 covered on the preprimary or preelection report and ending with the day before the
23 primary or election. Upon receipt of a report under this subsection paragraph, the
24 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
25 candidates for any office in support of or opposition to one of whom a an incurred

ENGROSSED SENATE BILL 104

1 obligation or disbursement identified in the report is incurred or made. A committee
2 that files a report pertaining to a disbursement under par. (c) is not required to file
3 a report pertaining to the same disbursement under this paragraph. This paragraph
4 does not apply to a committee that files reports under s. 11.21 (16).

5 **SECTION 47.** 11.12 (6) (c) and (d) of the statutes are created to read:

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

21 2. A committee which is required to file reports under this paragraph shall also
22 report to the board, at the times specified in s. 11.20 (2t), in such manner as the board
23 may prescribe, the amount and date of each contribution received, disbursement
24 made, or obligation incurred for the purpose of advocating the election or defeat of
25 a candidate specified in this paragraph in the manner specified in this paragraph,

ENGROSSED SENATE BILL 104

1 and the name of the candidate in support of or in opposition to whom the contribution
2 was received, disbursement made, or obligation incurred, during the 21-day period
3 ending on each date specified in s. 11.20 (2t).

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

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

9 **SECTION 48.** 11.12 (8) and (9) of the statutes are created to read:

10 11.12 **(8)** If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
11 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
12 candidate has accumulated cash in his or her campaign depository account or has
13 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
14 a combined total of 75% of the amount specified in s. 11.31 (1) (a) to (de), (e), or (f),
15 as adjusted under s. 11.31 (9), for the office that the candidate seeks, that candidate
16 or the candidate's personal campaign committee shall file daily reports with the
17 board and with each candidate whose name is certified to appear on the ballot for the
18 office in connection with which the disbursement is made, by electronic mail or
19 facsimile transmission, on each day beginning with that date or the 7th day after the
20 primary election or the date that a primary would be held, if required, whichever is
21 later, and ending on the date of the election at which the candidate seeks office. Each
22 report shall contain information pertaining to each disbursement made by the
23 candidate or committee and shall be filed no later than 24 hours after that
24 disbursement is made. Each report shall include the same information concerning
25 each disbursement that is required to be reported for other disbursements under s.

ENGROSSED SENATE BILL 104

1 11.06 (1). The information shall also be included in the next regular report of the
2 candidate or committee under s. 11.20.

3 **(9)** Whenever a report is required to be filed with a candidate by electronic mail
4 or facsimile transmission under this section, the report shall be filed at the address
5 or number of the candidate or personal campaign committee as shown on the
6 registration statement of the candidate or committee. If no electronic mail address
7 or facsimile transmission number is shown, the report shall be filed at the mailing
8 address shown on the statement.

9 **SECTION 49.** 11.14 (3) of the statutes is amended to read:

10 11.14 **(3)** Notwithstanding sub. (1), any candidate who serves as his or her own
11 campaign treasurer and who is authorized to make and makes an indication on his
12 or her registration statement under s. ~~11.05 (2r)~~ 11.06 (2m) that he or she will not
13 accept contributions, make disbursements or incur obligations in an aggregate
14 amount exceeding \$1,000 in a calendar year, and will not accept any contribution or
15 contributions from a single source, other than contributions made by the candidate
16 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single
17 personal account as his or her campaign depository account, and may intermingle
18 personal and other funds with campaign funds. If a separate depository account is
19 later established by the candidate, the candidate shall transfer all campaign funds
20 in the personal account to the new depository account. Disbursements made from
21 such personal account need not be identified in accordance with s. 11.16 (3).

22 **SECTION 50.** 11.16 (2) of the statutes is amended to read:

23 11.16 **(2)** LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
24 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
25 credit card receipt bearing on the face the name of the remitter. No treasurer may

ENGROSSED SENATE BILL 104

1 accept a contribution made in violation of this subsection. The treasurer shall
2 promptly return the contribution, ~~or donate it~~ the contribution to the common school
3 fund or to a charitable organization or transfer the contribution to the board for
4 deposit in the Wisconsin election campaign fund in the event that the donor cannot
5 be identified.

6 **SECTION 51.** 11.16 (5) of the statutes is amended to read:

7 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
8 party committee ~~or legislative campaign committee~~ may, pursuant to a written
9 escrow agreement with more than one candidate, solicit contributions for and
10 conduct a joint fund raising effort or program on behalf of more than one named
11 candidate. The agreement shall specify the percentage of the proceeds to be
12 distributed to each candidate by the committee conducting the effort or program.
13 The committee shall include this information in all solicitations for the effort or
14 program. All contributions received and disbursements made by the committee in
15 connection with the effort or program shall be received and disbursed through a
16 separate depository account under s. 11.14 (1) that is identified in the agreement.
17 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
18 prepare a schedule in the form prescribed by the board supplying all required
19 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
20 for the effort or program, and shall transmit a copy of the schedule to each candidate
21 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

22 **SECTION 52.** 11.19 (title) of the statutes is amended to read:

23 **11.19 (title) ~~Dissolution~~ Carry-over of surplus funds; dissolution of**
24 **registrants; termination reports.**

25 **SECTION 53.** 11.19 (1) of the statutes is amended to read:

ENGROSSED SENATE BILL 104

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

19 **SECTION 54.** 11.20 (1) of the statutes is amended to read:

20 11.20 (1) All reports required by s. 11.06 which relate to activities which
21 promote or oppose candidates for state office or statewide referenda and all reports
22 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
23 relate to activities which promote or oppose candidates for local office or local
24 referenda shall be filed with the appropriate filing officer under s. 11.02, except
25 reports filed under s. 11.08. Each registrant shall file the reports required by this

ENGROSSED SENATE BILL 104

1 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
2 electronically the same information that is reportable under this section, the
3 registrant shall, in addition, file the reports required by this section recorded on a
4 medium specified by the board.

5 **SECTION 54g.** 11.20 (2s) of the statutes is created to read:

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

11 **SECTION 54r.** 11.20 (2t) of the statutes is created to read:

12 11.20 (2t) A registrant who or which is required to file reports under s. 11.12
13 (6) (c) 2. with respect to a candidate at the general election shall file the reports no
14 later than the 39th and 18th days prior to that election. A registrant who or which
15 is required to file reports under s. 11.12 (6) (c) 2. with respect to a candidate at a
16 special election shall file the reports no later than the 18th day prior to that election.

17 **SECTION 55.** 11.20 (7) of the statutes is amended to read:

18 11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that
19 any report is required to be filed under this section ~~section~~ chapter on a nonbusiness day, it
20 may be filed on the next business day thereafter.

21 **SECTION 56.** 11.20 (9) of the statutes is amended to read:

22 11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty
23 to file reports under this section continues until a termination report is filed in
24 accordance with s. 11.19.

25 **SECTION 57.** 11.20 (10) (a) of the statutes is amended to read:

ENGROSSED SENATE BILL 104

1 11.20 (10) (a) Where a requirement is imposed under this section for the filing
2 of a financial report which is to be received by the appropriate filing officer no later
3 than a certain date, the requirement may be satisfied either by actual receipt of the
4 report by the prescribed time for filing at the office of the filing officer, or by filing a
5 report with the U.S. postal service by first class mail with sufficient prepaid postage,
6 addressed to the appropriate filing officer, no later than the 3rd day before the date
7 provided by law for receipt of such report.

8 **SECTION 58.** 11.20 (12) of the statutes is amended to read:

9 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
10 to file the reports required by this chapter does not cease. Except as provided in ss.
11 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no
12 contributions, makes no disbursements or incurs no obligations shall so report on the
13 dates designated in subs. (2) and (4).

14 **SECTION 59.** 11.21 (2) of the statutes is amended to read:

15 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
16 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
17 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
18 addressed to the attention of the treasurer or other person indicated on the
19 registration statement. Forms need not be sent to a registrant who has made an
20 indication that aggregate contributions, disbursements and obligations will not
21 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
22 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by
23 the board to a registrant if the registrant is required to file reports with the board
24 in an electronic format. Whenever any notice of filing requirements under this
25 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice

ENGROSSED SENATE BILL 104

1 to the candidate if he or she has appointed a separate treasurer. Failure to receive
2 any form or notice does not exempt a registrant from compliance with this chapter.

3 **SECTION 60.** 11.21 (15) of the statutes is amended to read:

4 11.21 (15) Inform each candidate who files an application to become eligible to
5 receive a grant from the Wisconsin election campaign fund of the dollar amount of
6 the applicable disbursement limitation under s. 11.31 (1) or (1m), adjusted as
7 provided under s. 11.31 (9), which applies to the office for which such person is a
8 candidate. Failure to receive the notice required by this subsection does not
9 constitute a defense to a violation of s. 11.27 (1) or 11.31.

10 **SECTION 61.** 11.21 (16) of the statutes is amended to read:

11 11.21 (16) Require each registrant for whom the board serves as filing officer
12 and who or which accepts contributions in a total amount or value of \$20,000 or more
13 during a campaign period to file each campaign finance report that is required to be
14 filed under this chapter in an electronic format, and accept from any other registrant
15 for whom the board serves as a filing officer any campaign finance report that is
16 required to be filed under this chapter in an electronic format. A registrant who or
17 which becomes subject to a requirement to file reports in an electronic format under
18 this subsection shall initially file the registrant's report in an electronic format for
19 the period which includes the date on which the registrant becomes subject to the
20 requirement or, if the registrant is required to report transactions within 24 hours
21 of their occurrence, within 24 hours after the date on which the registrant becomes
22 subject to the requirement. To facilitate implementation of this subsection, the board
23 shall specify, by rule, a type of software that is suitable for compliance with the
24 electronic filing requirement under this subsection. The board shall provide copies
25 of the software to registrants at a price fixed by the board that may not exceed cost.

ENGROSSED SENATE BILL 104

1 Each registrant who or which files a report under this subsection in an electronic
2 format shall also file a copy of the report with the board that is recorded on a medium
3 specified by the board. The copy shall be signed by an authorized individual and filed
4 with the board by each registrant no later than the time prescribed for filing of the
5 report under this chapter. If a registrant is a committee, the copy shall be certified
6 by an authorized individual and filed with the board by the registrant no later than
7 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1).
8 If a registrant or other person becomes subject to a requirement to report
9 electronically under this subsection, the registrant or other person shall continue to
10 report electronically regardless of the amount of contributions accepted or
11 expenditures made by the registrant or other person, until a termination report is
12 filed. The board shall provide complete instructions to any registrant who or which
13 files a report under this subsection. In this subsection, the “campaign period” of a
14 candidate, personal campaign committee or support committee begins and ends with
15 the “campaign” of the candidate whose candidacy is supported, as defined in s. 11.26
16 (17), and the “campaign period” of any other registrant begins on January 1 of each
17 odd-numbered year and ends on December 31 of the following year. Section 990.001
18 (4) does not apply to the computation of time permitted for compliance with the filing
19 requirements under this subsection.

20 **SECTION 62.** 11.22 (3) of the statutes is amended to read:

21 11.22 (3) Furnish to each registrant prescribed forms for the making of reports
22 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
23 not later than 14 days prior to the applicable filing deadline under s. 11.20 and
24 addressed to the attention of the treasurer or other person indicated on the
25 registration statement. Forms need not be sent to a registrant who has made an

ENGROSSED SENATE BILL 104

1 indication that aggregate contributions, disbursements and obligations will not
2 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
3 been granted a suspension under s. 11.19 (2). Whenever any notice of the filing
4 requirements under this chapter is sent to a candidate's campaign treasurer, the
5 filing officer shall also send a notice to the candidate if he or she has appointed a
6 separate treasurer. Failure to receive any form or notice does not exempt a registrant
7 from compliance with this chapter.

8 **SECTION 63.** 11.23 (1) of the statutes is amended to read:

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

22 **SECTION 64.** 11.23 (2) of the statutes is amended to read:

23 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
24 or group treasurer may not be used or expended. The contribution shall be donated
25 to the common school fund or to any charitable organization or transferred to the

ENGROSSED SENATE BILL 104

1 board for deposit in the Wisconsin election campaign fund, at the option of the
2 treasurer.

3 **SECTION 65.** 11.24 (1w) of the statutes is created to read:

4 11.24 (1w) No candidate or personal campaign committee of a candidate who
5 applies for a grant under s. 11.50 may accept any contribution from a committee
6 other than a political party committee.

7 **SECTION 66.** 11.24 (2) of the statutes is renumbered 11.24 (5).

8 **SECTION 67.** 11.24 (4) of the statutes is created to read:

9 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
10 elective official or to the personal campaign committee or support committee
11 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
12 official's nomination or reelection to the office held by the official during the period
13 beginning on the first Monday of January in each odd-numbered year and ending
14 on the date of enactment of the biennial budget act.

15 (b) Notwithstanding par. (a), a person may make a contribution to an
16 incumbent partisan state elective official against whom a recall petition has been
17 filed during the period beginning on the date that the petition offered for filing is filed
18 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official
19 resigns at an earlier date under s. 9.10 (3) (c).

20 **SECTION 67m.** 11.25 (2) (b) of the statutes is amended to read:

21 11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions
22 and make disbursements from a campaign depository account for the purpose of
23 making expenditures in connection with a campaign for national office; for payment
24 of civil penalties incurred by the registrant under this chapter but not under any
25 other chapter; or for payment of the expenses of nonpartisan campaigns to increase

ENGROSSED SENATE BILL 104

1 voter registration or participation. Notwithstanding par. (a), a personal campaign
2 committee or support committee may accept contributions and make disbursements
3 from a campaign depository account for payment of inaugural expenses of an
4 individual who is elected to state or local office. If such expenses are paid from
5 contributions made to the campaign depository account, they are reportable under
6 s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s.
7 11.06 (1). If contributions from the campaign depository account are used for such
8 expenses, they are subject to s. 11.26.

9 **SECTION 68.** 11.26 (1) (intro.) of the statutes is amended to read:

10 11.26 (1) (intro.) No individual, except an individual serving as a conduit, may
11 make any contribution or contributions to a candidate for election or nomination to
12 any of the following offices and to any individual or committee under s. 11.06 (7)
13 acting solely in support of such a candidate or solely in opposition to the candidate's
14 opponent to the extent of more than a total of the amounts specified per candidate:

15 **SECTION 69.** 11.26 (2) (intro.) of the statutes is amended to read:

16 11.26 (2) (intro.) No committee, other than a political party committee or
17 legislative campaign committee, and no individual or committee serving as a
18 conduit, may make any contribution or contributions to a candidate for election or
19 nomination to any of the following offices and to any individual or committee under
20 s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the
21 candidate's opponent to the extent of more than a total of the amounts specified per
22 candidate:

23 **SECTION 70.** 11.26 (2) (a) of the statutes is amended to read:

ENGROSSED SENATE BILL 104

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

4 **SECTION 71.** 11.26 (2) (ad) to (au) of the statutes are created to read:

5 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

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

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

9 **SECTION 72.** 11.26 (4) of the statutes is amended to read:

10 11.26 (4) ~~No~~ Except as provided in sub. (10), no individual, except an individual
11 serving as a conduit, may make any contribution or contributions to all candidates
12 for state and local offices and to any individuals who or committees which are subject
13 to a registration requirement under s. 11.05, including ~~legislative campaign~~
14 ~~committees and~~ committees of a political party, to the extent of more than a total of
15 \$10,000 in any calendar year.

16 **SECTION 73.** 11.26 (8) of the statutes is amended to read:

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

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

ENGROSSED SENATE BILL 104

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

5 **SECTION 74.** 11.26 (8m) of the statutes is created to read:

6 11.26 **(8m)** (a) Except as provided in par. (b), no committee may make a
7 contribution to any other committee except a political party, personal campaign, or
8 support committee.

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

12 **SECTION 75b.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.)
13 and amended to read:

14 11.26 **(9)** (a) (intro.) No individual who is a candidate for state or local office may
15 receive and accept more than 65% of the value of the total disbursement level
16 determined under s. 11.31 for the office for which he or she is a candidate the
17 following amount during any primary and election campaign combined from all
18 committees subject to a filing requirement, including political party and legislative
19 campaign committees.:

20 **SECTION 75c.** 11.26 (9) (a) 1. to 7. of the statutes are created to read:

21 11.26 **(9)** (a) 1. For a candidate for the office of governor, \$400,000.

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

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

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

ENGROSSED SENATE BILL 104

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

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

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

7 **SECTION 75d.** 11.26 (9) (b) of the statutes is renumbered 11.26 (9) (b) (intro.)
8 and amended to read:

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

15 **SECTION 75e.** 11.26 (9) (b) 1. to 7. of the statutes are created to read:

16 11.26 **(9)** (b) 1. For a candidate for the office of governor, \$485,190.

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

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

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

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

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

23 7. For a candidate for any other state or local office, 25% of the value of the total
24 disbursement level, as determined under s. 11.31 (1) and as adjusted as provided

ENGROSSED SENATE BILL 104

1 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the
2 office for which he or she is a candidate.

3 **SECTION 76.** 11.26 (9) (c) of the statutes is repealed.

4 **SECTION 77.** 11.26 (10) of the statutes is amended to read:

5 11.26 **(10)** No candidate for state office who files a sworn statement and
6 application to receive a grant from the Wisconsin election campaign fund may make
7 contributions of more than 200% of the amounts specified in sub. (1) to the
8 candidate's own campaign from the candidate's personal funds or property or the
9 personal funds or property which are owned jointly or as marital property with the
10 candidate's spouse, unless the board determines that the candidate is not eligible to
11 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~
12 ~~or s. 11.50 (2) (i) applies.~~ For purposes of this subsection, any contribution received
13 by a candidate or his or her personal campaign committee from a committee which
14 is registered with the federal elections commission as the authorized committee of
15 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the
16 candidate to his or her own campaign. The contribution limit of sub. (4) applies to
17 amounts contributed by such a candidate personally to the candidate's own
18 campaign and to other campaigns, except that a candidate may exceed the limitation
19 if authorized under this subsection to contribute more than the amount specified to
20 the candidate's own campaign, up to the amount of the limitation.

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

22 11.26 **(12m)** For purposes of ~~this section~~ subs. (1) and (4), a contribution of
23 money received from a conduit identified in the manner prescribed in s. 11.06 (11)
24 (a) shall be considered a contribution received from the original contributor.

25 **SECTION 79.** 11.265 of the statutes is repealed.

ENGROSSED SENATE BILL 104

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

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

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

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

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

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

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

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

14 11.31 (1) (de) Candidates for justice, \$300,000.

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

16 11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$100,000 total in the primary
17 and election, with disbursements not exceeding ~~\$21,575~~ \$72,000 for either the
18 primary or the election.

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

22 **SECTION 85.** 11.31 (1m) of the statutes is created to read:

23 11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PARTISAN
24 PRIMARY ELECTIONS. The total disbursement level for any candidate for a partisan
25 office at a general or special election whose name appears on the ballot as a candidate

ENGROSSED SENATE BILL 104

1 for an office at a primary election preceding that election and who receives less than
2 twice as many votes at that primary election as another candidate for the same office
3 within the same political party, and who has an opponent in the general or special
4 election who received at least 6% of the votes cast for all candidates for the office that
5 the candidate seeks on all ballots at the September primary or any special primary
6 preceding the general or special election, is 120% of the amount specified in sub. (1)
7 for the candidate for the same office who receives the greatest number of votes in the
8 primary election, as adjusted as provided in sub. (9).

9 **SECTION 86.** 11.31 (2) of the statutes is amended to read:

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

25 **SECTION 87.** 11.31 (2m) of the statutes is repealed:

ENGROSSED SENATE BILL 104

1 **SECTION 88.** 11.31 (3) of the statutes is amended to read:

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

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

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

13 **SECTION 90.** 11.31 (9) of the statutes is created to read:

14 11.31 **(9)** ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
15 “consumer price index” means the average of the consumer price index over each
16 12-month period, all items, U.S. city average, as determined by the bureau of labor
17 statistics of the U.S. department of labor.

18 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall
19 be subject to a cost-of-living adjustment to be determined by rule of the board in
20 accordance with this subsection. To determine the adjustment, the board shall
21 calculate the percentage difference between the consumer price index for the
22 12-month period ending on December 31 of each odd-numbered year and the
23 consumer price index for calendar year 2003. For each biennium, the board shall
24 adjust the disbursement limitations specified under sub. (1) by that percentage to the
25 extent required to reflect any difference, rounded to the nearest multiple of \$25 in

ENGROSSED SENATE BILL 104

1 the case of amounts of \$1 or more, which amount shall be in effect until a subsequent
2 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),
3 and (3), determinations under this subsection may be promulgated as an emergency
4 rule under s. 227.24 without providing evidence that the emergency rule is necessary
5 for the public peace, health, safety, or welfare, and without a finding of emergency.

6 **SECTION 91.** 11.38 (1) (a) 2. of the statutes is amended to read:

7 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association
8 may establish and administer a separate segregated fund and solicit contributions
9 from individuals to the fund to be utilized by such corporation or association, for the
10 purpose of supporting or opposing any candidate for state or local office but the
11 corporation or association may not make any contribution to the fund. The fund shall
12 appoint a treasurer and shall register as a political committee under s. 11.05. A
13 parent corporation or association engaging solely in this activity is not subject to
14 registration under s. 11.05, but shall register and file special reports on forms
15 prescribed by the board disclosing its administrative and solicitation expenses on
16 behalf of such fund. A corporation not domiciled in this state need report only its
17 expenses for administration and solicitation of contributions in this state together
18 with a statement indicating where information concerning other administration and
19 solicitation expenses of its fund may be obtained. The reports shall be filed with the
20 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21
21 (16), if applicable, or otherwise in the manner in which continuing reports are filed
22 under s. 11.20 (4) and (8).

23 **SECTION 92.** 11.38 (6) of the statutes is amended to read:

24 11.38 (6) Any individual or campaign treasurer who receives funds in violation
25 of this section shall promptly return such funds to the contributor or donate the

ENGROSSED SENATE BILL 104

1 funds to the common school fund or a charitable organization or transfer the funds
2 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
3 option.

4 **SECTION 93.** 11.38 (8) (b) of the statutes is amended to read:

5 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
6 any disbursement on behalf of a political group which is promoting or opposing a
7 particular vote at a referendum and prior to accepting any contribution or making
8 any disbursement to promote or oppose a particular vote at a referendum, a
9 corporation or association organized under ch. 185 shall register with the
10 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The
11 registration form of the corporation or association under s. 11.05 shall designate an
12 account separate from all other corporation or association accounts as a campaign
13 depository account, through which all moneys received or expended for the adoption
14 or rejection of the referendum shall pass. The corporation or association shall file
15 periodic reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the
16 information required under s. 11.06 (1).

17 **SECTION 94.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

18 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general
19 account:

20 **SECTION 95.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

21 **SECTION 96.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b.

22 **SECTION 97.** 11.50 (1) (a) 2m. of the statutes is created to read:

23 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
24 account, an individual who is certified under s. 7.08 (2) (a) in the general election or
25 a special election as the candidate of an eligible political party for a state office, other

ENGROSSED SENATE BILL 104

1 than district attorney, or an individual who has been lawfully appointed and certified
2 to replace such an individual on the ballot at the general or a special election and who
3 has qualified for a grant under sub. (2).

4 **SECTION 98.** 11.50 (1) (am) of the statutes is created to read:

5 11.50 (1) (am) “Eligible political party” means any of the following:

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

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

15 **SECTION 99.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

16 11.50 (1) (bm) “General account” means the account in the fund created under
17 sub. (2w).

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

20 **SECTION 100.** 11.50 (2) (a) of the statutes is amended to read:

21 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
22 file an application with the board requesting approval to participate in the fund. The
23 application shall be filed no later than the applicable deadline for filing nomination
24 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.
25 on the 7th day after the primary or date on which the primary would be held if

ENGROSSED SENATE BILL 104

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

18 **SECTION 101.** 11.50 (2) (b) 5. of the statutes is amended to read:

19 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
20 of the date of the spring or September primary, or the date that the special primary
21 is or would be held, if required, indicate that the candidate has received an amount
22 equal to at least ~~the amount provided in this subdivision~~ 3% of the applicable
23 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
24 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), from
25 contributions of money, other than loans, made by individuals who reside in this

ENGROSSED SENATE BILL 104

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

20 **SECTION 102.** 11.50 (2) (c) of the statutes is amended to read:

21 11.50 **(2)** (c) If a candidate has not filed financial reports as of the date of the
22 spring primary, September primary, special primary, or date that the special primary
23 would be held, if required, which indicate that he or she has met the qualification
24 under par. (b) 5., the candidate may file a special report with the board. Such report
25 shall be filed not later than the 7th day after the primary, or 7th day after the date

ENGROSSED SENATE BILL 104

1 the primary would be held, if required, and shall include such supplementary
2 information as to sources of contributions which may be necessary to complete the
3 candidate's qualification. The special report shall cover the period from the day after
4 the last date covered on the candidate's most recent report, or from the date on which
5 the first contribution was received or the first disbursement was made, whichever
6 is earlier, if the candidate has not previously filed a report, to the date of such report.
7 All information included on the special report shall also be included in the
8 candidate's next report under s. 11.20. This paragraph does not apply to a candidate
9 who files reports under s. 11.21 (16).

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

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

19 **SECTION 104.** 11.50 (2) (h) of the statutes is repealed.

20 **SECTION 105.** 11.50 (2) (i) of the statutes is repealed.

21 **SECTION 106.** 11.50 (2) (j) of the statutes is created to read:

22 11.50 (2) (j) If a candidate who desires to apply for a grant has accepted, or the
23 candidate's personal campaign committee has accepted, a contribution from a
24 committee other than a political party committee during the campaign for the office
25 that the candidate seeks, the candidate shall, before filing an application to receive

ENGROSSED SENATE BILL 104

1 a grant, return the contribution or its monetary equivalent to the contributor, or, at
2 the contributor's option, donate an amount equal to the contribution to the fund or
3 to the common school fund. If the board later determines that the candidate is
4 ineligible to receive a grant, the candidate may then accept contributions from
5 committees other than political party committees after the date of that
6 determination.

7 **SECTION 107.** 11.50 (2m) of the statutes is created to read:

8 11.50 (2m) PUBLIC INFORMATION. (a) Annually, no later than September 1, the
9 board may notify the state treasurer that an amount not exceeding 5% of the amount
10 transferred to the fund in that year shall be placed in a public information account.
11 Moneys in this account shall be expended by the board for the purpose of providing
12 public information concerning the purpose and effect of this section and s. 71.10 (3).

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

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

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

19 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party
20 account for each eligible political party. Each political party account consists of all
21 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

22 (b) From the account of each eligible political party, the board shall apportion
23 moneys to eligible candidates representing that party who qualify to receive grants.
24 Whenever an eligible candidate representing an eligible political party receives a
25 grant, the state treasurer shall first make payment of the grant from the political

ENGROSSED SENATE BILL 104

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

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

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

7 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
8 the fund consisting of all moneys designated by individuals for deposit in that
9 account under s. 71.10 (3) (a).

10 **SECTION 110.** 11.50 (3) of the statutes is repealed.

11 **SECTION 111.** 11.50 (4) of the statutes is repealed and recreated to read:

12 11.50 (4) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment
13 of each grant to an eligible candidate from the political party account of that
14 candidate's political party, if any, if there are sufficient moneys in that account to
15 make full payment of the grant, and then from the general account. If there are
16 insufficient moneys in the general account to make full payment of a grant, the state
17 treasurer shall supplement the general account from the appropriation under s.
18 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
19 provided in subs. (4m) and (10), the amount of each grant is the amount specified in
20 sub. (9).

21 **SECTION 112.** 11.50 (4m) of the statutes is created to read:

22 11.50 (4m) GRANTS FOR PRIMARY CAMPAIGNS. If an eligible candidate who
23 qualifies to receive a grant in a spring, general, or special election was opposed in the
24 spring or September primary, or in a special primary, by a candidate who qualified
25 to have his or her name appear on the primary ballot and the eligible candidate won

ENGROSSED SENATE BILL 104

1 nomination in that primary, the board shall award to that candidate the primary
2 grant specified in sub. (9) (a) at the same time that grants are distributed under that
3 paragraph for the spring, general, or special election, provided that the candidate
4 has filed with the board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1),
5 8.20 (8) (a), or 8.50 (3) (a) nomination papers containing at least the following number
6 of valid signatures of electors for the office that the candidate seeks:

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

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

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

10 **SECTION 113.** 11.50 (5) of the statutes is amended to read:

11 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
12 disbursements of grants under sub. (9) (a) to the campaign depository account of each
13 eligible candidate ~~under subs. (3) and (4)~~ by the end of the 3rd business day following
14 notice from the board under s. 7.08 (2) (c) or (cm). If an eligible candidate notifies the
15 state treasurer of the information required to make electronic transfers to the
16 candidate's campaign depository account, the state treasurer shall transfer to the
17 candidate any supplemental grants under sub. (9) (ba) or (bb) for which the candidate
18 qualifies immediately following notice from the board under s. 7.08 (2) (c) or (cm).
19 Eligible candidates for governor and lieutenant governor of the same political party
20 may combine accounts if desired.

21 **SECTION 114.** 11.50 (6) of the statutes is amended to read:

22 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
23 eligible candidate ~~under subs. (3) and (4)~~ are more than the amount which a
24 candidate may accept under sub. (9), or more than the amount which a candidate
25 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

ENGROSSED SENATE BILL 104

1 **SECTION 115.** 11.50 (9) (title) of the statutes is amended to read:

2 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

3 **SECTION 116.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
4 to read:

5 11.50 (9) (a) ~~The~~ Except as provided in this paragraph and pars. (ba) and (bb)
6 the total grant available to an eligible candidate may not exceed an amount equal to
7 the lesser of 45% of the disbursement level specified for the office that the candidate
8 seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without
9 respect to any adjustment under s. 11.31 (1m) or that amount which, when added to
10 all other contributions accepted from sources other than individuals, political party
11 committees and legislative campaign committees by the candidate, is equal to 45%
12 of the disbursement level specified for the applicable office that the candidate seeks,
13 as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9) but
14 without respect to any adjustment under s. 11.31 (1m). Except as provided in pars.
15 (b), (ba), and (bb), the total grant available to an eligible candidate who qualifies for
16 a grant for primary campaign expenses under sub. (4m) may not exceed an amount
17 equal to the lesser of 55% 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 by the candidate, is equal to the
21 disbursement level specified for the office that the candidate seeks, as determined
22 under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to any
23 adjustment under s. 11.31 (1m). The board shall scrutinize accounts and reports and
24 records kept under this chapter to assure that applicable limitations under ss. 11.26
25 (9) and 11.31 are not exceeded and any violation is reported. No candidate or

ENGROSSED SENATE BILL 104

1 campaign treasurer may accept grants exceeding the amount authorized by this
2 subsection.

3 **SECTION 117m.** 11.50 (9) (b), (ba) and (bb) of the statutes are created to read:

4 11.50 **(9)** (b) If an eligible candidate who accepts a grant is opposed by one or
5 more candidates in a general or special election whose names are certified under s.
6 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee intends to receive
7 or receives any contribution or contributions that are intended to be used or that are
8 used to oppose the election of the eligible candidate who accepts a grant or to support
9 a certified opponent of that candidate without cooperation or consultation with any
10 certified opposing candidate or such a candidate's agent or authorized committee,
11 and not in concert with, or at the request or suggestion of any certified opposing
12 candidate's agent or authorized committee, then the board shall make an additional
13 grant to the eligible candidate who accepts a grant in an amount equal to the total
14 amount of contributions received for the purpose of advocating the election of the
15 certified opposing candidate or for the purpose of opposing the election of the eligible
16 candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

17 (ba) If an eligible candidate at a primary or election, or both, who accepts a
18 grant is opposed by one or more candidates who are required, or whose personal
19 campaign committees are required, to file a report under s. 11.12 (8), then the board
20 shall make an additional grant to the eligible candidate who accepts a grant in an
21 amount equal to the total amount or value of disbursements, as reported under s.
22 11.12 (8), made by the opposing candidate or candidates exceeding the amount
23 specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate
24 seeks, as adjusted under s. 11.31 (9) but without respect to any adjustment under s.
25 11.31 (1m) .

ENGROSSED SENATE BILL 104

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

8 **SECTION 118.** 11.50 (11) (a) of the statutes is amended to read:

9 11.50 (11) (a) ~~No Except as authorized for candidates who are awarded grants~~
10 under sub. (4m), no grant may be utilized in any primary.

11 **SECTION 119.** 11.50 (11) (e) of the statutes is amended to read:

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

16 **SECTION 120.** 11.50 (14) of the statutes is created to read:

17 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each
18 even-numbered year, the board shall certify to the secretary of revenue:

19 1. No later than July 1, the name of each political party that qualifies under
20 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
21 state chairperson has filed a request to establish an account for the party under sub.
22 (2s) (a).

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

ENGROSSED SENATE BILL 104

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

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

7 **SECTION 120m.** 11.60 (3s) and (3t) of the statutes are created to read:

8 11.60 (3s) Notwithstanding sub. (1), if any candidate or committee, other than
9 a conduit, accepts a contribution, makes a disbursement, or incurs an obligation to
10 make a disbursement for the purpose of supporting or opposing a candidate for an
11 office specified in s. 11.31 (1) (a) to (de), (e), or (f) without first registering under s.
12 11.05 (1), (2), or (2g) to the extent required under s. 11.05 (1), (2), and (2g), or without
13 reporting the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with
14 respect to that contribution, disbursement, or obligation, to the extent required
15 under ss. 11.12 (6) (c) and (8) and 11.20 (3) and (4), the candidate or other individual
16 or committee may be required to forfeit not more than \$500 per day for each day of
17 continued violation.

18 (3t) Notwithstanding sub. (1), if any candidate or committee, other than a
19 conduit, accepts one or more contributions, makes one or more disbursements, or
20 incurs one or more obligations to make disbursements for the purpose of supporting
21 or opposing a candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) in
22 an amount or value that differs from the amount reported by that individual or
23 committee under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4):

ENGROSSED SENATE BILL 104

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

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

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

9 **SECTION 121.** 11.60 (4) of the statutes is amended to read:

10 11.60 (4) Actions under this section arising out of an election for state office or
11 a statewide referendum may be brought by the board or by the district attorney of
12 the county where the violation is alleged to have occurred, except as specified in s.
13 11.38. Actions under this section arising out of an election for local office or local
14 referendum may be brought by the district attorney of the county where the violation
15 is alleged to have occurred. Actions under this section arising out of an election for
16 county office or a county referendum may be brought by the county board of election
17 commissioners of the county wherein the violation is alleged to have occurred. In
18 addition, whenever a candidate or personal campaign committee or agent of a
19 candidate is alleged to have violated this chapter, action may be brought by the
20 district attorney of any county any part of which is contained within the jurisdiction
21 or district in which the candidate seeks election. If a violation concerns a district
22 attorney or circuit judge or candidate for such offices, the action shall be brought by
23 the attorney general. If a violation concerns the attorney general or a candidate for
24 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit

ENGROSSED SENATE BILL 104

1 in behalf of the state. The counsel shall be independent of the attorney general and
2 need not be a state employe at the time of appointment.

3 **SECTION 122.** 11.61 (1) (a) of the statutes is amended to read:

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

7 **SECTION 124.** 13.625 (3m) of the statutes is created to read:

8 13.625 (3m) No elective state official and no personal campaign committee of
9 an elective state official may solicit a lobbyist or principal to arrange for another
10 person to make a campaign contribution to that official or personal campaign
11 committee or to another elective state official or the personal campaign committee
12 of that official.

13 **SECTION 124b.** 19.42 (3m), (4g) and (4r) of the statutes are created to read:

14 19.42 (3m) “Candidate,” except as otherwise provided, has the meaning given
15 in s. 11.01 (1).

16 (4g) “Clearly identified,” when used in reference to a communication
17 containing a reference to a person, means one of the following:

18 (a) The person’s name appears.

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

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

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

ENGROSSED SENATE BILL 104

1 **SECTION 124d.** 19.45 (13) of the statutes is created to read:

2 19.45 (13) No state public official holding an elective office may, directly or by
3 means of an agent, give, or offer or promise to give, or withhold, or offer or promise
4 to withhold, his or her vote or influence, or promise to take or refrain from taking
5 official action with respect to any proposed or pending matter in consideration of, or
6 upon condition that, any other person make or refrain from making a political
7 contribution, or provide or refrain from providing any service or other thing of value,
8 to or for the benefit of a candidate, a political party, any other person who is subject
9 to a registration requirement under s. 11.05, or any person making a communication
10 that contains a reference to a clearly identified state public official holding an
11 elective office or to a candidate for state public office.

12 **SECTION 124f.** 19.49 (1m) of the statutes is created to read:

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

18 **SECTION 124h.** 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and
19 amended to read:

20 19.49 (5) (a) ~~No~~ Except as provided in par. (b), no action may be taken on any
21 complaint ~~which~~ that is filed later than 3 years after a violation of this subchapter
22 or subch. III of ch. 13 is alleged to have occurred.

23 **SECTION 124k.** 19.49 (5) (b) of the statutes is created to read:

ENGROSSED SENATE BILL 104

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

4 **SECTION 124m.** 19.53 (6) of the statutes is amended to read:

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

22 **SECTION 124p.** 19.535 of the statutes is created to read:

23 **19.535 Direct enforcement.** If the board refuses or otherwise fails to
24 authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13)
25 within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13),

ENGROSSED SENATE BILL 104

1 the person making the complaint may bring an action to recover the forfeiture under
2 s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such
3 actions, the court may award actual and necessary costs of prosecution, including
4 reasonable attorney fees, to the relator if he or she prevails, but any forfeiture
5 recovered shall be paid to the state. If the court finds in any such action that the
6 cause of action was frivolous as provided in s. 814.025, the court shall award costs
7 and fees to the defendant under that section.

8 **SECTION 124r.** 19.59 (1) (br) of the statutes is created to read:

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

19 **SECTION 124t.** 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and
20 amended to read:

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

ENGROSSED SENATE BILL 104

1 **SECTION 124v.** 19.59 (7) (b) of the statutes is created to read:

2 19.59 **(7)** (b) Any person who violates sub. (1) may be required to forfeit not
3 more than \$1,000 for each violation, and, if the court determines that a local public
4 official has violated sub. (1) (br) and no political contribution, service or other thing
5 of value was obtained, the court may, in addition, order the accused to forfeit an
6 amount equal to the maximum contribution authorized under s. 11.26 (1) for the
7 office held or sought by the official, whichever amount is greater.

8 **SECTION 124x.** 19.59 (8) (c) of the statutes is amended to read:

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

14 **SECTION 124z.** 19.59 (8) (cm) and (cn) of the statutes are created to read:

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

20 (cn) If the district attorney refuses or otherwise fails to commence an action to
21 enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a
22 violation of sub. (1) (br), the person making the complaint may bring an action to
23 recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf,
24 of the state. In such actions, the court may award actual and necessary costs of
25 prosecution, including reasonable attorney fees, to the relator if her or she prevails,

ENGROSSED SENATE BILL 104

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

4 **SECTION 125.** 20.510 (1) (q) of the statutes is amended to read:

5 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
6 appropriation, from the Wisconsin election campaign fund, the moneys determined
7 under s. 11.50 to provide for payments to eligible candidates whose names are
8 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
9 authorized under s. 11.50 (2m).

10 **SECTION 126.** 20.855 (4) (ba) of the statutes is created to read:

11 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
12 equal to the amounts required to make full payment of grants which candidates
13 qualify to receive from the Wisconsin election campaign fund, to be transferred from
14 the general fund to the Wisconsin election campaign fund no later than the time
15 required to make payments of grants under s. 11.50 (5).

16 **SECTION 127.** 25.42 of the statutes is amended to read:

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

24 **SECTION 128.** 71.10 (3) (a) of the statutes is amended to read:

ENGROSSED SENATE BILL 104

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

13 **SECTION 129.** 71.10 (3) (b) of the statutes is amended to read:

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

ENGROSSED SENATE BILL 104

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

3 **SECTION 130.** 806.04 (11m) of the statutes is created to read:

4 **806.04 (11m) CAMPAIGN FINANCE REGISTRATION.** Any person who proposes to
5 publish, disseminate, or broadcast, or causes to be published, disseminated, or
6 broadcast, any communication may commence a proceeding under this section to
7 determine the application to that person of a registration requirement under s. 11.05
8 (1), (2), or (2g).

9 **SECTION 131. Nonstatutory provisions.**

10 (1) NONSEVERABILITY.

11 (a) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
12 all or any portion of sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), or 11.50 (9) (bb)
13 of the statutes, as created by this act, is unconstitutional, then sections 11.01 (16) (a)
14 3., 11.12 (6) (c), 11.26 (8m), and 11.50 (9) (bb) of the statutes, as created by this act,
15 are void in their entirety.

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

19 **SECTION 132. Appropriation changes; elections board.**

20 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
21 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the
22 acts of 2001, the dollar amount is increased by \$76,100 for fiscal year 2001–02 and
23 the dollar amount is increased by \$85,100 for fiscal year 2002–03 to increase the
24 authorized FTE positions for the elections board by 1.0 GPR campaign finance

ENGROSSED SENATE BILL 104

1 investigator position and 1.0 GPR auditor position and to fund supporting expenses
2 for these positions.

3 **SECTION 133. Initial applicability.**

4 (1) Except as provided in subsections (2) and (3), this act first applies to
5 elections held on the day after publication.

6 (2) The treatment of section 71.10 (3) (a) of the statutes first applies to claims
7 filed for taxable years beginning on January 1 of the year in which this subsection
8 takes effect, except that if this subsection takes effect after July 31 the treatment
9 first applies to claims filed for taxable years beginning on January 1 of the year
10 following the year in which this subsection takes effect.

11 (3) The treatment of section 11.31 (9) of the statutes first applies to adjustments
12 for the biennium beginning on January 1, 2004.

13 (END)