

**ENGROSSED SENATE BILL 104**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing  
20 appropriation, from the Wisconsin election campaign fund, the moneys determined  
21 under s. 11.50 to provide for payments to eligible candidates whose names are  
22 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as  
23 authorized under s. 11.50 (2m).

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

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1           20.855 (4) (ba) *Wisconsin election campaign fund supplement*. A sum sufficient  
2 equal to the amounts required to make full payment of grants which candidates  
3 qualify to receive from the Wisconsin election campaign fund, to be transferred from  
4 the general fund to the Wisconsin election campaign fund no later than the time  
5 required to make payments of grants under s. 11.50 (5).

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

7           **25.42 Wisconsin election campaign fund.** All moneys appropriated under  
8 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),  
9 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting  
10 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.  
11 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the  
12 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall  
13 continue to accumulate indefinitely.

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

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

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

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

4 71.10 (3) (b) The secretary of revenue shall provide a place for these  
5 designations under par. (a) on the face of the individual income tax return and shall  
6 provide next to that place a statement that a designation will not increase tax  
7 liability. ~~Annually on August 15~~ The secretary shall also provide and highlight a  
8 place in the instructions that accompany the return for any information submitted  
9 to the secretary by the elections board under s. 11.50 (2m) without cost to the board.  
10 No later than the 15th day of each month, the secretary of revenue shall certify to  
11 the elections board, the department of administration and the state treasurer ~~under~~  
12 ~~s. 11.50~~ the total amount of designations made on returns processed by the  
13 department of revenue during the preceding ~~fiscal year~~ month and the amount of  
14 designations made during that month for the general account and for the account of  
15 each eligible political party. If any individual attempts to place any condition or  
16 restriction upon a designation not authorized under par. (a), that individual is  
17 deemed not to have made a designation on his or her tax return.

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

19 806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to  
20 publish, disseminate, or broadcast, or causes to be published, disseminated, or  
21 broadcast, any communication may commence a proceeding under this section to  
22 determine the application to that person of a registration requirement under s. 11.05  
23 (1), (2), or (2g).

24 **SECTION 131. Nonstatutory provisions.**

25 (1) NONSEVERABILITY.

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1 (a) Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
2 all or any portion of sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), or 11.50 (9) (bb)  
3 of the statutes, as created by this act, is unconstitutional, then sections 11.01 (16) (a)  
4 3., 11.12 (6) (c), 11.26 (8m), and 11.50 (9) (bb) of the statutes, as created by this act,  
5 are void in their entirety.

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

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

9  
10 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
11 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the  
12 acts of 2001, the dollar amount is increased by \$76,100 for fiscal year 2001–02 and  
13 the dollar amount is increased by \$85,100 for fiscal year 2002–03 to increase the  
14 authorized FTE positions for the elections board by 1.0 GPR campaign finance  
15 investigator position and 1.0 GPR auditor position and to fund supporting expenses  
16 for these positions.

**SECTION 133. Initial applicability.**

17  
18 (1) Except as provided in subsections (2) and (3), this act first applies to  
19 elections held on the day after publication.

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



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*Analysis*

1 11.50 (6), 11.50 (9) (title), 11.50 (11) (a), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a),  
 2 12.05, 20.510 (1) (q), 25.42, 71.10 (3) (a) and 71.10 (3) (b); **to repeal and**  
 3 **recreate** 11.05 (9) (title) and 11.50 (4); and **to create** 7.08 (2) (cs), 11.001 (2m),  
 4 11.01 (4m) and (11m), 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06  
 5 (2m) (b) to (d), 11.065, 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.24  
 6 (1w), 11.24 (4), 11.26 (2) (ad) to (au), 11.26 (8m), 11.31 (1) (de), 11.31 (1m), 11.31  
 7 (3p), 11.31 (9), 11.50 (1) (a) 1. (intro.) 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1)  
 8 (bm) and (cm), 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50  
 9 (9) (b), (ba) and (bb), 11.50 (14), 13.625 (3m), 20.855 (4) (ba) and 806.04 (11m)  
 10 of the statutes; **relating to:** campaign financing, lobbying regulation,  
 11 designations for the Wisconsin election campaign fund by individuals filing  
 12 state income tax returns, staffing of the elections board, providing exemptions  
 13 from emergency rule procedures, granting rule-making authority, and making  
 14 appropriations.

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***Analysis by the Legislative Reference Bureau***

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.



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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.

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.

***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

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

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

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

***Mass communications***

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

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

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

***Timeliness in filing reports***

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

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

**DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS**

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

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

This bill:

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

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

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State senator	34,500
Representative to the → assembly	17,250

~~120,000~~ 100,000  
~~60,000~~ 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.

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, that are made to oppose that candidate, or to support that candidate's opponent, exceeding 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.

*if that amount exceeds*  
*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*

**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

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\$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 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 \$150,000.

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 ~~20% of the disbursement level or limitation for the office that the candidate seeks~~. 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 ~~25% of the disbursement level or limitation for the office that the candidate seeks~~.

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**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.

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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 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

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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 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

**BILL**

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 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 ~~5%~~ <sup>3%</sup> 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



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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 amount of any independent disbursements that are made to oppose that candidate, or to support that candidate's opponent, exceeding 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 the total amount of~~ independent expenditures other than disbursements made in close proximity to an 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.

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.

**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.

by special interest committees

total

and of any

10/10/01

DWSSAT ANALYSIS R-2

100%

and c) the total amount of contributions received by special interest committees for the purpose of opposing the candidate who accepts the grant or supporting that candidate's opponent.

grant

intended to be received or

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Insert  
IZA

~~independent disbursements~~

**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 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.

or by  
independent  
disbursements  
that are  
reportable  
under current  
law

~~This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to the bill.~~

~~For further information see the state fiscal estimate which will be printed as an appendix to this bill.~~

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

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

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

SECTION 2. 5.05 (1) (e) of the statutes is amended to read:

5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena under par. (b), apply for a search warrant under par. (b), commence an action under par. (d), intervene in an action or proceeding under sub. (9), issue an order under s. 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting machines or an electronic

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Senate Amendment 2 affects the version of proposed s. 11.50(9)(b) that was deleted by Senate Amendment 1. As a result, the treatment from Senate Amendment 2 is not included in this bill.

INSERT ANALYSIS R-3

(as affected by chief clerk's correction)

**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.

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.

**Content of Engrossed 2001 Senate Bill 104:**

INSERT ANALYSIS R-1

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 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 a disbursement 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 apply only if the advocacy is to be performed or the communication is to be made without cooperation or consultation with a candidate or other authorized person and not in concert with or at the request or suggestion of a candidate or other authorized person. In addition, 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.

(as currently defined independently of a candidate)

any other expenditures independently of a candidate

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 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.

or other expenditures

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*Reformatted: JKG*

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the following:

Office	Maximum amount
Governor	\$400,000
Lieutenant Governor	100,000
Attorney General	100,000
Secretary of state, State treasurer, Justice of the supreme court or Super- intendent 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

INS 7B: ✓

the following:

Office	Maximum amount
Governor	\$485,190
Lieutenant Governor	145,564
Attorney General	242,550
Secretary of state, State Treasurer, Justice of the supreme court or Super- intendent 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

*PLS 12A:1*

# 2001 ASSEMBLY BILL 682

December 17, 2001 - Introduced by Representatives GUNDRUM, JENSEN, TRAVIS, FREESE, LASSA, LADWIG, ZIEGELBAUER, STONE, MCCORMICK, OLSEN, STARZYK, KESTELL, SKINDRUD, NASS, HAHN, ALBERS, KRAWCZYK, D. MEYER, KREIBICH, DUFF, PETROWSKI, HUEBSCH, VRAKAS, BIES and LIPPERT, cosponsored by Senators ROSENZWEIG, HUELSMAN, ROESSLER and HARS DORF. Referred to Committee on Campaigns and Elections.

1 AN ACT *to amend* 11.25 (2) (b) and 19.53 (6); and *to create* 19.45 (13), 19.535 and  
2 19.59 (1) (br) of the statutes; **relating to:** official action in return for providing  
3 or withholding political contributions, services, or other things of value and  
4 providing a penalty.

SUB OFFICIAL ACTION IN RETURN FOR PROVIDING OR WITHHOLDING THINGS OF VALUE  
*Analysis by the Legislative Reference Bureau*

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, or 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

*clearly identified state or local public official or a candidate for state or local public office*

JWS 12A:2

**ASSEMBLY BILL 682**

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

or value of any political contribution, service, or other thing of value that was wrongfully procured. 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 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 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 lawsuit based upon such a complaint may be brought during the period beginning 120 days before a general, spring, or special election 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.

or a district attorney fails to initiate a prosecution

filed

is ordered

complaint alleging a violation of the prohibition contained in the bill

or

election or the date that a

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

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

SENATE BILL 104

*INSERT ANALYSIS  
R-2 ✓*

contributions transferred by conduits, in amounts of \$100 or less in the following total amounts:

1. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.
2. For a candidate for the office of attorney general, \$16,200.
3. For a candidate for the office of secretary of state, state treasurer, justice of the supreme court, or state superintendent of public instruction, \$8,040.
4. For a candidate for the office of state senator, \$5,000.
5. For a candidate for the office of representative to the assembly, \$2,500.

The bill also requires that the contributions must be received from individuals who are residents of this state and, in the case of a candidate for legislative office, the contributions must be received from individuals who reside in the district in which the candidate seeks office.

In addition, the bill requires a candidate who seeks a grant to agree not to accept any contributions from special interest committees.

The bill revises grant amounts to the following, irrespective of contributions received from other sources:

1. For candidates for the office of governor and lieutenant governor jointly, \$670,000.
2. For a candidate for the office of attorney general, \$135,000.
3. For a candidate for the office of secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court, \$67,000.
4. For a candidate for the office of state senator, \$40,000.
5. For a candidate for the office of representative to the assembly, \$20,000.

In addition to these amounts, the bill provides that a candidate who accepts a grant shall receive an additional grant in an amount equal to 1) the amount of any contributions that are received by special interest committees for the purpose of making independent disbursements to oppose that candidate or to support that candidate's opponent and the total amount of contributions that those committees report that they intend to make to oppose that candidate or to support that candidate's opponent; 2) the total amount of contributions that conduits report they have transferred or intend to transfer to opposing candidates; and 3) the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required.

Under the bill, qualifying amounts and grant amounts are subject to a biennial cost-of-living adjustment, beginning in 2004, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

*✓  
Sub*

**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

SENATE BILL 104

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 other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement, or incurs an obligation to make a disbursement for the purpose of supporting or opposing 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) or for the purpose of making certain communications by means of communications media (see above) 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 individuals or committees accepts or transfers 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 individual or committee:

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

The bill also provides that if the amount of contributions accepted or transferred, disbursements made, or obligations incurred differs from the amount reported by at least 15%, and the violations are of sufficient severity to have affected the result of the election, the elections board, the district attorney for any county where a violation occurs, or any candidate who is adversely affected by the result of the election in connection with which the violation occurred may file suit to have the election nullified and to have a new election ordered for the affected office.

In addition, the bill imposes a new penalty upon any person who, with intent to conceal or deceive, accepts or transfers a contribution, makes a disbursement, or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office or for the purpose of making certain communications by means of communications media (see above) without registering or reporting to the extent required under the bill, consisting of a fine of not more than \$10,000 or imprisonment for not more than five years, or both (equivalent to a class E felony).

Other than

oppose

Candidates

makes any other expenditure for the

purpose of making certain mass media communications (see above)

to

Level 1ms



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***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.

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4824/1dn  
JTK & RJM... Kmg

Don Schneider:

The engrossed bill marries two different reporting and matching systems, one from the original SB-104, sponsored by Senator Ellis, and one from the committee substitute, SSA 1. In preparing the engrossed copies of SB-104, we noted one technical issue and one substantive issue with respect to the combined system that may merit your consideration:

1. One feature of the system from the original SB-104, as contained in proposed s. 11.50 (9) (b) of SA 3, matches contributions intended to be received or received by independent committees other than conduits for use against a candidate. SSA 1 contained a separate proposed s. 11.50 (9) (b) which matched conventional independent disbursements by committees. SA 6 redefined the definition of political purpose so that proposed s. 11.50 (9) (b) was no longer ~~needed~~ because the match that it contained was provided elsewhere. SA 6, therefore, deleted the cross-references to proposed s. 11.50 (9) (b), which are needed to fully carry out the effect of SA 3. ~~This~~ <sup>These</sup> cross-references should be restored.

2. The substantive effect of matching contributions to independent committees ~~that are intended to be received or received~~ as well as disbursements ~~that are actually made~~ by those committees could result in a double match of some of the same money. This would not necessarily occur because some contribution money might not be spent, some disbursements might be made too late in a campaign to effectively match, and a treasury might have earnings that do not result from contributions. Nevertheless, you may want to consider either adopting the entire reporting structure from the original SB-104 (which ~~did not match~~ disbursements ~~actually made~~) or deleting the match for contributions ~~intended to be received~~.

matched contributions but not

in proposed s. 11.50(9)(b)

Jeffery T. Kuesel  
Managing Attorney  
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Robert J. Marchant  
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State of Wisconsin  
2001 - 2002 LEGISLATURE

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JTK/RJM/MES:kg:jf

SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 104

July 26, 2001 - Offered by COMMITTEE ON JUDICIARY, CONSUMER AFFAIRS, AND  
CAMPAIGN FINANCE REFORM.

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) and 11.50 (9); **to amend** 5.02 (13), 5.05 (1) (e), 7.08 (2) (c) and (cm),  
5           8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35  
6           (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.),  
7           11.06 (1) (e), 11.06 (2), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.06  
8           (11) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5),  
9           11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9),  
10          11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1),  
11          11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8),  
12          11.26 (9) (a) and (b), 11.26 (10), 11.26 (12m), 11.27 (1), 11.31 (1) (intro.), 11.31  
13          (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6),

1 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g), 11.50 (5),  
2 11.50 (6), 11.50 (9) (title), 11.50 (11) (a), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a),  
3 12.05, 20.510 (1) (q), 25.42, 71.10 (3) (a) and 71.10 (3) (b); **to repeal and**  
4 **recreate** 11.05 (9) (title) and 11.50 (4); and **to create** 7.08 (2) (cs), 11.001 (2m),  
5 11.01 (4m) and (11m), 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06  
6 (2m) (b) to (d), 11.065, 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.24  
7 (1w), 11.24 (4), 11.26 (2) (ad) to (au), 11.26 (8m), 11.31 (1) (de), 11.31 (1m), 11.31  
8 (3p), 11.31 (9), 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1)  
9 (bm) and (cm), 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50  
10 (9) (b), (ba) and (bb), 11.50 (14), 13.625 (3m), 20.855 (4) (ba) and 806.04 (11m)  
11 of the statutes; **relating to:** campaign financing, official action in return for  
12 providing or withholding political contributions, services, or other things of  
13 value,[**NONE; SA5-SSA1-SB104; Page: 2, Line: 11**] lobbying regulation,  
14 designations for the Wisconsin election campaign fund by individuals filing  
15 state income tax returns, staffing of the elections board, providing exemptions  
16 from emergency rule procedures, granting rule-making authority,[**NONE;**  
17 **SA3-SSA1-SB104; Page: 2, Line: 14**] making appropriations, and providing  
18 penalties[**NONE; SA3-SSA1-SB104; Page: 2, Line: 15**].

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

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

20 5.02 (13) "Political party" or "party" means a state committee registered under  
21 s. 11.05 and organized exclusively for political purposes under whose name  
22 candidates appear on a ballot at any election, and all county, congressional,  
23 legislative, local and other affiliated committees authorized to operate under the

1 same name. For purposes of ch. 11, the term does not include a legislative campaign  
2 committee or a committee filing an oath under s. 11.06 (7).

3 **[2; SA6-SSA1-SB104; Page: 2, Line: 23]**

4 **[2; SA6-SSA1-SB104; Page: 3, Line: 1][2; SA6-SSA1-SB104; Page: 3,**  
5 **Line: 1][2; SA6-SSA1-SB104; Page: 3, Line: 1][2; SA6-SSA1-SB104; Page: 3,**  
6 **Line: 1][2; SA6-SSA1-SB104; Page: 3, Line: 1][2; SA6-SSA1-SB104; Page: 3,**  
7 **Line: 1][2; SA6-SSA1-SB104; Page: 3, Line: 1][2; SA6-SSA1-SB104; Page: 3,**  
8 **Line: 1][2; SA6-SSA1-SB104; Page: 3, Line: 1][2; SA6-SSA1-SB104; Page: 3,**  
9 **Line: 1]**

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

11 7.08 (2) (c) As soon as possible after the canvass of the spring and September  
12 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in  
13 September, transmit to the state treasurer a certified list of all eligible candidates  
14 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board  
15 determines ~~to be~~ are eligible to receive payments from the Wisconsin election  
16 campaign fund. The board shall also electronically transmit a similar list of  
17 candidates who the board determines are eligible to receive a grant under s. 11.50  
18 (9)[3; SA6-SSA1-SB104; Page: 3, Line: 19] (ba)[3; SA6-SSA1-SB104; Page: 3,  
19 Line: 19] or (bb) within 24 hours after any candidate qualifies to receive such a  
20 grant. Each list shall contain each candidate's name, the mailing address indicated  
21 upon the candidate's registration form, the office for which the individual is a  
22 candidate and the party or principle which he or she represents, if any.

23 (cm) As soon as possible after the canvass of a special primary, or the date that  
24 the primary would be held, if required, transmit to the state treasurer a certified list  
25 of all eligible candidates for state office who have filed applications under s. 11.50 (2)

1 and ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant from the  
2 Wisconsin election campaign fund prior to the election. The board shall also transmit  
3 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and  
4 ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant under s. 11.50  
5 (1) (a) 2. after the special election. The board shall electronically transmit a similar  
6 list of candidates who the board determines are eligible to receive a grant under s.  
7 11.50 (9)[3; SA6-SSA1-SB104; Page: 4, Line: 7] (ba)[3; SA6-SSA1-SB104; Page:  
8 4, Line: 7] or (bb) within 24 hours after any candidate qualifies to receive such a  
9 grant. Each list shall contain each candidate's name, the mailing address indicated  
10 upon the candidate's registration form, the office for which the individual is a  
11 candidate and the party or principle which he or she represents, if any.

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

13 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the  
14 period beginning with the month following certification and ending with the month  
15 in which the next certification is made by the board:

16 1. No later than July 1, the name of each political party that qualifies under  
17 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose  
18 state chairperson has filed a request to establish an account for the party under s.  
19 11.50 (2s) (a).

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

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

1           8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall  
2 be appended to each nomination paper. The Except as otherwise required under s.  
3 11.50 (4m) for a candidate who seeks a grant from the Wisconsin election campaign  
4 fund, the number of required signatures on nomination papers filed under this  
5 section is:

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

7           8.15 (6) (intro.) The Except as otherwise required under s. 11.50 (4m) for a  
8 candidate who seeks a grant from the Wisconsin election campaign fund, the number  
9 of required signatures on nomination papers shall be as follows:

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

11          8.20 (4) The Except as otherwise required under s. 11.50 (4m) for a candidate  
12 who seeks a grant from the Wisconsin election campaign fund, the number of  
13 required signatures on nomination papers for independent candidates shall be the  
14 same as the number specified in s. 8.15 (6). For independent presidential electors  
15 intending to vote for the same candidates for president and vice president, the  
16 number of required signatures shall be not less than 2,000 nor more than 4,000  
17 electors.

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

19          8.30 (2) If no registration statement has been filed by or on behalf of a candidate  
20 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable  
21 deadline for filing nomination papers by ~~such~~ the candidate, or the deadline for filing  
22 a declaration of candidacy for an office for which nomination papers are not filed, the  
23 name of the candidate may not appear on the ballot. This subsection may not be  
24 construed to exempt a candidate from applicable penalties if he or she files a  
25 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

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

2           8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~  
3 if If the former candidate was a partisan candidate ~~or, donated to the former~~  
4 candidate's local or state political party, donated to ~~the~~ a charitable organization of  
5 ~~the former candidate's choice or the charitable organization chosen or transferred to~~  
6 the board for deposit in the Wisconsin election campaign fund, as instructed by the  
7 former candidate or, if the candidate left no instruction, by the former candidate's  
8 next of kin if the former candidate is deceased, or if no choice is made returned to the  
9 donors on a proportional basis; or

10           b. If the former candidate was a nonpartisan candidate, donated to ~~the~~ a  
11 charitable organization of ~~the former candidate's choice or the charitable~~  
12 organization chosen or transferred to the board for deposit in the Wisconsin election  
13 campaign fund, as instructed by the former candidate or, if the candidate left no  
14 instruction, by the former candidate's next of kin if the former candidate is deceased;  
15 or

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

17           8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be  
18 made and reported to the appropriate filing officer in a special report submitted by  
19 the former candidate's campaign treasurer. If the former candidate is deceased and  
20 was serving as his or her own campaign treasurer, the former candidate's petitioner  
21 or personal representative shall ~~file the report and make the transfer required by~~  
22 par. (b), if any and file the report. The report shall be made in the manner provided  
23 under s. 11.21 (16), if applicable, or otherwise at the appropriate interval under s.  
24 11.20 (2) or (4) and shall include a complete statement of all contributions,  
25 disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period



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

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

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

8 11.001 (2m) The legislature finds a compelling justification for minimal  
9 disclosure of all communications made near the time of an election that[11;  
10 SA6-SSA1-SB104; Page: 7, Line: 9] include[11; SA6-SSA1-SB104; Page: 7,  
11 Line: 9] [11; SA6-SSA1-SB104; Page: 7, Line: 10][11; SA6-SSA1-SB104; Page:  
12 7, Line: 10][11; SA6-SSA1-SB104; Page: 7, Line: 10][11; SA6-SSA1-SB104;  
13 Page: 7, Line: 10][11; SA6-SSA1-SB104; Page: 7, Line: 10]a reference to a  
14 candidate at that election, an office to be filled at that election, or a political party  
15 in order to permit increased funding for candidates who are affected by those  
16 communications. This minimal disclosure burden is outweighed by the need to  
17 establish an effective funding mechanism for affected candidates to effectively  
18 respond to communications that may impact an election. [11; SA6-SSA1-SB104;  
19 Page: 7, Line: 10]

20 [12; SA6-SSA1-SB104; Page: 7, Line: 15]

21 [12; SA6-SSA1-SB104; Page: 7, Line: 15]

22 [12; SA6-SSA1-SB104; Page: 7, Line: 15]

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

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

1           11.01 (16) (a) 3. A communication that is made by means of one or more  
2 communications media, other than a communication that is exempt from reporting  
3 under s. 11.29, that is made during the period beginning on the 60th day preceding  
4 an election and ending on the date of that election and that includes a reference to  
5 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on  
6 the ballot at that election, a reference to an office to be filled at that election, or a  
7 reference to a political party. [13m; SA6-SSA1-SB104; Page: 8, Line: 9]

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

10           11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than  
11 a personal campaign committee, and every political group subject to registration  
12 under s. 11.23 which that makes or accepts contributions, incurs obligations or  
13 makes disbursements in a calendar year in an aggregate amount in excess of \$25  
14 shall file a statement with the appropriate filing officer giving the information  
15 required by sub. (3). In the case of any committee other than a personal campaign  
16 committee, the statement shall be filed by the treasurer. A personal campaign  
17 committee shall register under sub. (2g) or (2r).

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

19           11.05 (1) (b) Every political group subject to registration under s. 11.23 which  
20 makes or accepts contributions, incurs obligations, or makes disbursements in a  
21 calendar year in an aggregate amount in excess of \$100 shall file a statement with  
22 the appropriate filing officer giving the information required by sub. (3).

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

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

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:

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

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

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

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.



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

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 [37; SA6-SSA1-SB104; Page: 16, Line: 23]

24 [37; SA6-SSA1-SB104; Page: 16, Line: 23][37; SA6-SSA1-SB104; Page:  
25 16, Line: 23][37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104;

1 Page: 17, Line: 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37;  
2 SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104; Page: 17, Line:  
3 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104; Page: 17,  
4 Line: 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104; Page:  
5 17, Line: 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104;  
6 Page: 17, Line: 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37;  
7 SA6-SSA1-SB104; Page: 17, Line: 1]

8 [37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104; Page: 17,  
9 Line: 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104; Page:  
10 17, Line: 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104;  
11 Page: 17, Line: 1][37; SA6-SSA1-SB104; Page: 17, Line: 1][37;  
12 SA6-SSA1-SB104; Page: 17, Line: 1]

13 [37; SA6-SSA1-SB104; Page: 17, Line: 1]

14 [37; SA6-SSA1-SB104; Page: 17, Line: 1][37; SA6-SSA1-SB104; Page: 17,  
15 Line: 1]

16 [37; SA6-SSA1-SB104; Page: 18, Line: 1][37; SA6-SSA1-SB104; Page: 18,  
17 Line: 1][37; SA6-SSA1-SB104; Page: 18, Line: 1]

18 [37; SA6-SSA1-SB104; Page: 18, Line: 1][37; SA6-SSA1-SB104; Page: 18,  
19 Line: 1][37; SA6-SSA1-SB104; Page: 18, Line: 1]

20 [37; SA6-SSA1-SB104; Page: 18, Line: 1][37; SA6-SSA1-SB104; Page: 18,  
21 Line: 1][37; SA6-SSA1-SB104; Page: 18, Line: 1][37; SA6-SSA1-SB104; Page:  
22 18, Line: 1][37; SA6-SSA1-SB104; Page: 18, Line: 1][37; SA6-SSA1-SB104;  
23 Page: 18, Line: 1][37; SA6-SSA1-SB104; Page: 18, Line: 1][37;  
24 SA6-SSA1-SB104; Page: 18, Line: 1]

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

1           11.07 (1) Every nonresident committee or group making contributions and  
2 every nonresident individual, committee or group making disbursements exceeding  
3 \$25 cumulatively the amount specified in s. 11.05 (1) or (2) in a calendar year within  
4 this state shall file the name, mailing and street address and the name and the  
5 mailing and street address of a designated agent within the state with the office of  
6 the secretary of state. An agent may be any adult individual who is a resident of this  
7 state. After any change in the name or address of such agent the new address or  
8 name of the successor agent shall be filed within 30 days. Service of process in any  
9 proceeding under this chapter or ch. 12, or service of any other notice or demand may  
10 be made upon such agent.

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

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

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

19           11.09 (3) Each registrant whose filing officer is the board, who or which makes  
20 disbursements in connection with elections for offices which serve or referenda  
21 which affect only one county or portion thereof, except a candidate, personal  
22 campaign committee, political party committee or other committee making  
23 disbursements in support of or in opposition to a candidate for state senator,  
24 representative to the assembly, court of appeals judge or circuit judge, shall file a  
25 duplicate original of each financial report filed with the board with the county clerk

1 or board of election commissioners of the county in which the elections in which the  
2 registrant participates are held. Such reports shall be filed no later than the dates  
3 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This  
4 subsection does not apply to a registrant who or which files reports under s. 11.21  
5 (16).

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

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

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

24 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign  
25 or committee treasurer or by an individual under s. 11.06 (7) may not be used or

1 expended. The contribution shall be donated to the common school fund or to any  
2 charitable organization or transferred to the board for deposit in the Wisconsin  
3 election campaign fund, at the option of the treasurer.

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

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

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

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

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

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

1 under s. 11.06 (1) in such manner as the board may prescribe. The information shall  
2 also be included in the treasurer's or individual's next regular report. For purposes  
3 of the reporting requirement under this subsection, only contributions received  
4 during the period beginning with the day after the last date covered on the  
5 preprimary or preelection report, and ending with the day before the primary or  
6 election need be reported. This subsection does not apply to a registrant who or  
7 which files reports under s. 11.21 (16).

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

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

1 candidates for any office in support of or opposition to one of whom a an incurred  
2 obligation or disbursement identified in the report is incurred or made. A committee  
3 that files a report pertaining to a disbursement under par. (c) is not required to file  
4 a report pertaining to the same disbursement under this paragraph. This paragraph  
5 does not apply to a committee that files reports under s. 11.21 (16).

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

7 [47; SA3-SSA1-SB104; Page: 22, Line: 23]

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

23 2. A committee which is required to file reports under this paragraph shall also  
24 report to the board, at the times specified in s. 11.20 (2t), in such manner as the board  
25 may prescribe, the amount and date of each contribution received, disbursement



1 made, or obligation incurred for the purpose of advocating the election or defeat of  
2 a candidate specified in this paragraph in the manner specified in this paragraph,  
3 and the name of the candidate in support of or in opposition to whom the contribution  
4 was received, disbursement made, or obligation incurred, during the 21-day period  
5 ending on each date specified in s. 11.20 (2t).

6 3. A committee which files a report under this paragraph concerning a  
7 disbursement is not required to file a report pertaining to the same disbursement  
8 under par. (a). [47; SA3-SSA1-SB104; Page: 22, Line: 23]

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

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

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

1 disbursement is made. Each report shall include the same information concerning  
2 each disbursement that is required to be reported for other disbursements under s.  
3 11.06 (1). The information shall also be included in the next regular report of the  
4 candidate or committee under s. 11.20.

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

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

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

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