

ASSEMBLY BILL 801

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

SECTION 51. 11.19 (1) of the statutes is ~~amended~~ ^{repealed and recreated} to read:

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

SECTION 52. 11.20 (1) of the statutes is ~~amended~~ ^{repealed and recreated} to read:

11.20 (1) All reports required by s. 11.06 which relate to activities which promote or oppose candidates for state office or statewide referenda and all reports under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which

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

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~~SECTION 53. 11.20 (2s) of the statutes is ^{repeated and recreated} created to read:~~

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

~~SECTION 54. 11.20 (2t) of the statutes is ^{repeated and recreated} created to read:~~

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

~~SECTION 55. 11.20 (7) of the statutes is ^{repeated and recreated} amended to read:~~

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

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~~SECTION 56. 11.20 (8) of the statutes is ^{repeated and recreated} amended to read:~~

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1 11.20 (9) Except as provided in ss. ~~11.06 (2)~~ ^{11.06 (2m)} and 11.19 (2), the duty
2 to file reports under this section continues until a termination report is filed in
3 accordance with s. 11.19.

4 SECTION 57. 11.20 (10) (a) of the statutes is ~~amended~~ ^{repealed and recreated} to read:

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

12 SECTION 58. 11.20 (12) of the statutes is ~~amended~~ ^{repealed and recreated} to read:

13 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
14 to file the reports required by this chapter does not cease. Except as provided in ss.
15 ~~11.06 (2)~~ ^{11.06 (2m)} and 11.19 (2), a registrant who makes or receives no
16 contributions, makes no disbursements or incurs no obligations shall so report on the
17 dates designated in subs. (2) and (4).

18 SECTION 59. 11.21 (2) of the statutes is ~~amended~~ ^{repealed and recreated} to read:

19 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
20 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
21 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
22 addressed to the attention of the treasurer or other person indicated on the
23 registration statement. Forms need not be sent to a registrant who has made an
24 indication that aggregate contributions, disbursements, and obligations will not
25 exceed the amount specified under s. ~~11.06 (2)~~ ^{11.06 (2m)} or to a registrant who has

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1 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by
2 the board to a registrant if the registrant is required to file reports with the board
3 in an electronic format. Whenever any notice of filing requirements under this
4 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice
5 to the candidate if he or she has appointed a separate treasurer. Failure to receive
6 any form or notice does not exempt a registrant from compliance with this chapter

7 SECTION 60. 11.21 (15) of the statutes is ~~amended~~ *repealed and recreated* to read:

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

14 SECTION 61. 11.21 (16) of the statutes is ~~amended~~ *repealed and recreated* to read:

15 11.21 (16) Require each registrant for whom the board serves as filing officer
16 and who or which accepts contributions in a total amount or value of \$20,000 or more
17 during a campaign period to file each campaign finance report that is required to be
18 filed under this chapter in an electronic format, and accept from any other registrant
19 for whom the board serves as a filing officer any campaign finance report that is
20 required to be filed under this chapter in an electronic format. A registrant who or
21 which becomes subject to a requirement to file reports in an electronic format under
22 this subsection shall initially file the registrant's report in an electronic format for
23 the period which includes the date on which the registrant becomes subject to the
24 requirement or, if the registrant is required to report transactions within 24 hours
25 of their occurrence, within 24 hours after the date on which the registrant becomes

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

24 SECTION # RP: 11.21 (17), as created by 2001
 SECTION 62. 11.22 (3) of the statutes is amended to read: Wisconsin Act 109,
 repealed and recreated

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

as affected by 2001 (4) Wisconsin Act 109 repealed and recreated

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

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

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1 treasurer of a group shall certify the correctness of each statement or report
2 submitted by it under this chapter.

3 SECTION 64. 11.23 (2) of the statutes is ~~amended~~ *repealed and recreated* to read:

4 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
5 or group treasurer may not be used or expended. The contribution shall be donated
6 to the common school fund or to any charitable organization or transferred to the
7 board for deposit in the Wisconsin election campaign fund, at the option of the
8 treasurer.

9 SECTION 65. 11.24 (1w) of the statutes is ~~created~~ *repealed and recreated* to read:

10 11.24 (1w) No candidate or personal campaign committee of a candidate who
11 applies for a grant under s. 11.50 may accept any contribution from a committee
12 other than a political party committee.

13 SECTION 66. 11.24 (2) of the statutes is ~~renumbered~~ *LPS: delete, as off....* 11.24 (5).

14 SECTION 67. 11.24 (4) of the statutes is ~~created~~ *repealed and recreated* to read:

15 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
16 elective official or to the personal campaign committee or support committee
17 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
18 official's nomination or reelection to the office held by the official during the period
19 beginning on the first Monday of January in each odd-numbered year and ending
20 on the date of enactment of the biennial budget act.

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

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1 SECTION 68. 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.
13 11.06 (1). If contributions from the campaign depository account are used for such
14 expenses, they are subject to s. 11.26.

15 SECTION 69. 11.26 (1) (intro.) of the statutes is amended to read:

16 11.26 (1) (intro.) No individual, except an individual serving as a conduit, may
17 make any contribution or contributions to a candidate for election or nomination to
18 any of the following offices and to any individual or committee under s. 11.06 (7)
19 acting solely in support of such a candidate or solely in opposition to the candidate's
20 opponent to the extent of more than a total of the amounts specified per candidate:

21 SECTION 70. 11.26 (2) (intro.) of the statutes is amended to read:

22 11.26 (2) (intro.) No committee, other than a political party committee or
23 legislative campaign committee, and no individual or committee serving as a
24 conduit, may make any contribution or contributions to a candidate for election or
25 nomination to any of the following offices and to any individual or committee under

repealed and recreated

SECTION 69. RP; 11.26 (1m) and (1f), as created by 2001 Wisconsin Act 109,

repealed and recreated

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as created by 2001 Wisconsin Act 109

1 s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the
2 candidate's opponent to the extent of more than a total of the amounts specified per
3 candidate:

4 SECTION 71. 11.26 (2) (a) of the statutes is amended to read:

5 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
6 state treasurer, attorney general, state superintendent of justice, 4% of the value of
7 the disbursement level specified in the schedule under s. 11.31 (1) \$45,000.

8 SECTION 72. 11.26 (2) (ad) ~~to (am)~~ of the statutes ~~are~~ created to read:

9 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000. *(2) (am) (au)*

10 11.26 (2) (am) Candidates for attorney general, \$25,000.

11 11.26 (2) (au) Candidates for secretary of state, state treasurer, state superintendent, or
12 justice, \$10,000.

13 SECTION 73. 11.26 (4) of the statutes is amended to read:

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

19 \$10,000 in any calendar year.

20 SECTION 74. 11.26 (8) of the statutes is amended to read:

21 11.26 (8) (a) No political party, as defined in s. 5.02 (13), may receive more than
22 a total of ~~\$450,000~~ \$450,000 in value of its contributions in any biennium from all
23 other committees, excluding contributions from legislative campaign committees
24 and transfers between party committees of the party. In this paragraph, a biennium

SECTION # RP; 11.26 (2m) and (2t), as created by 2001 Wisconsin Act 109,

as affected by 2001 Wisconsin Act 109, repealed and recreated

as affected by 2001 Wisconsin Act 109, repealed and recreated

as affected by 2001 Wisconsin Act 109, repealed and recreated

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1 commences with January 1 of each odd-numbered year and ends with December 31
2 of each even-numbered year.

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

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

10 SECTION 75. 11.26 (8m) of the statutes is created to read:

11 11.26 (8m) (a) Except as provided in par. (b), no committee may make a
12 contribution to any other committee except a political party, personal campaign, or
13 support committee.

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

17 ~~SECTION 76. 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.) and~~
SECTION 76. 11.26 (8m) and (8r), as created by 2001 Wisconsin Act 109,
repealed and recreated

18 ~~and read:~~
19 11.26 (9) (a) ~~(intro.)~~ No individual who is a candidate for state or local office may
20 receive and accept more than ~~65%~~ 50% of the value of the total disbursement level
21 ~~determined under s. 11.51 for the office for which he or she is a candidate the~~
22 following amount during any primary and election campaign combined from ~~all~~
23 ~~committees subject to a filing requirement, including political party and legislative~~
24 ~~campaign committees~~ *Keep*

25 ~~SECTION 77. 11.26 (9) (a) 1. to 7. of the statutes are created to read:~~

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

2

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

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

4

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

6

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

7

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

8

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

SECTION # RP; 11.26(9)(am), as created by 2001 Wisconsin Act 109,

SECTION 78. 11.26 (9) (b) of the statutes is ~~renumbered 11.26 (9) (b) (intro.) and~~
~~amended to read:~~ *(repealed and recreated)*

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

~~SECTION 79. 11.26 (9) (b) 1. to 7. of the statutes are created to read.~~

21

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

22

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

23

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

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

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as affected by 2001 Wisconsin Act 109,

- 1 5. For a candidate for the office of state senator, \$15,525.
- 2 6. For a candidate for the office of representative to the assembly, \$7,763.
- 3 7. For a candidate for any other state or local office, 25% of the value of the total
- 4 disbursement level, as determined under s. 11.31 (1) and as adjusted as provided
- 5 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the
- 6 office for which he or she is a candidate.

SECTION 80. 11.26 (9) (c) of the statutes is repealed.

SECTION # RP; 11.26 (9m), as created by 2001 Wisconsin Act 109, repealed and recreated

8 SECTION 81. 11.26 (10) of the statutes is amended to read:

9 11.26 (10). No candidate for state office who files a sworn statement and

10 application to receive a grant from the Wisconsin election campaign fund may make

11 contributions of more than 200% of the amounts specified in sub. (1) to the

12 candidate's own campaign from the candidate's personal funds or property or the

13 personal funds or property which are owned jointly or as marital property with the

14 candidate's spouse, unless the board determines that the candidate is not eligible to

15 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~

16 ~~or s. 11.50 (2) (i) applies.~~ For purposes of this subsection, any contribution received

17 by a candidate or his or her personal campaign committee from a committee which

18 is registered with the federal elections commission as the authorized committee of

19 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the

20 candidate to his or her own campaign. The contribution limit of sub. (4) applies to

21 amounts contributed by such a candidate personally to the candidate's own

22 campaign and to other campaigns, except that a candidate may exceed the limitation

23 if authorized under this subsection to contribute more than the amount specified to

24 the candidate's own campaign, up to the amount of the limitation.

SECTION # RP; 11.26 (10a), as created by 2001 Wisconsin Act 109, repealed and recreated

25 SECTION 82. 11.26 (12m) of the statutes is amended to read:

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

4 SECTION 83. 11.265 of the statutes is repealed.

as affected by 2001 Wisconsin Act 109, repealed and recreated

5 SECTION 84. 11.31 (1) (intro.) of the statutes is amended to read:

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

11 SECTION 85. 11.31 (1) (a) to (d) of the statutes are amended to read:

12 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$2,000,000.

13 (b) Candidates for lieutenant governor, ~~\$237,475~~ \$500,000.

14 (c) Candidates for attorney general, ~~\$39,000~~ \$700,000.

15 (d) Candidates for secretary of state, state treasurer, ~~governor~~ or state
16 superintendent, ~~\$215,625~~ \$250,000.

17 SECTION 86. 11.31 (1) (de) of the statutes ~~is amended~~ to read:

18 11.31 (1) (de) Candidates for justice, \$300,000.

19 SECTION 87. 11.31 (1) (e) and (f) of the statutes are amended to read:

20 11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$100,000 total in the primary
21 and election, with disbursements not exceeding ~~\$21,575~~ \$72,000 for either the
22 primary or the election.

23 (f) Candidates for representative to the assembly, ~~\$7,250~~ \$50,000 total in the
24 primary and election, with disbursements not exceeding ~~\$40,775~~ \$36,000 for either
25 the primary or the election.

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SECTION 88

as affected by 2001 Wisconsin Act 109

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SECTION 88. 11.31 (1m) of the statutes is created to read:

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

SECTION 89. 11.31 (2) of the statutes is amended to read:

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

repealed and recreated

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spring or general election for the same office, unless the board determines that the candidate is not eligible to receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (4) or s. 11.50 (2) (4) sub. (3p) applies.~~

SECTION 90. 11.31 (2m) of the statutes is repealed:

SECTION 91. 11.31 (3) of the statutes is ~~amended~~ *repealed and recreated* to read:

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

SECTION 92. 11.31 (3p) of the statutes is ~~repealed~~ *repealed and recreated* to read:

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

SECTION 93. 11.31 (9) of the statutes is ~~repealed~~ *repealed and recreated* to read:

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

(b) The dollar amounts of all disbursement limitations specified in sub. (1) shall be subject to a cost-of-living adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall calculate the percentage difference between the consumer price index for the

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

10 SECTION 94. 11.38 (1) (a) 2. of the statutes *(repealed and recreated)* is amended to read:

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

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1 ~~(16), if applicable, or otherwise in the manner in which continuing reports are filed~~
2 under s. 11.20 (4) and (8).

3 SECTION 95. 11.38 (6) of the statutes *repealed and recreated* is amended to read:

4 11.38 (6) Any individual or campaign treasurer who receives funds in violation
5 of this section shall promptly return such funds to the contributor ~~or~~ donate the
6 funds to the common school fund or a charitable organization or transfer the funds
7 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
8 option.

9 SECTION 96. 11.38 (8) (b) of the statutes *repealed and recreated* is amended to read:

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

20 ~~periodic reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the~~
21 information required under s. 11.06 (1).

22 SECTION 97. 11.50 (1) (a) 1. *SECTION # RP, 11.385, as created by 2001 Wisconsin Act 109* of the statutes *repealed and recreated* is created to read:

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

25 ~~SECTION 98. 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a~~

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as affected by 2001 Wisconsin Act 109,

SECTION 99

read:

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SECTION 99. 11.50 (1) (a) 2. of the statutes is ~~renumbered 11.50 (1) (a) 1. b~~ *repealed and recreated*

repealed and recreated

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SECTION 100. 11.50 (1) (a) 2m. of the statutes is *repealed and recreated*

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

repealed and recreated

SECTION 101. 11.50 (1) (am) of the statutes is *repealed and recreated*

11.50 (1) (am) "Eligible political party" means any of the following:

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

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

repealed and recreated

SECTION 102. 11.50 (1) (bm) and (cm) of the statutes are *repealed and recreated*

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

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

(2s). *as affected by 2001 Wisconsin Act 109,*

SECTION 103. 11.50 (2) (a) of the statutes is *repealed and recreated*

as created by 2001 Wisconsin Act 109,

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1 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
 2 file an application with the board requesting approval to participate in the fund. The
 3 application shall be filed no later than the applicable deadline for filing nomination
 4 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a),^v or 8.50 (3) (a), no later than 4:30 p.m.
 5 on the 7th day after the primary or date on which the primary would be held if
 6 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
 7 after appointment in the case of candidates appointed to fill vacancies. The
 8 application shall contain a sworn statement that the candidate and his or her
 9 authorized agents have complied with the contribution limitations prescribed in s.
 10 11.26 and the disbursement limitations ~~prescribed~~ imposed under s. 11.31 (2), as
 11 ~~adjusted under s. 11.31 (9)~~, at all times to which such limitations have applied to his
 12 or her candidacy and will continue to comply with the limitations at all times to
 13 which the limitations apply to his or her candidacy for the office in contest, unless
 14 the board determines that the candidate is not eligible to receive a grant, ~~the~~
 15 ~~candidate withdraws his or her application under par. (h) or (i) s. 11.31 (3p)~~
 16 applies. The application shall also contain a sworn statement that the candidate and
 17 his or her agents have not accepted any contribution made by a committee other than
 18 a political party committee during the campaign, or, if any such contribution has
 19 been accepted, that the contribution has been returned or donated as provided in par.
 20 (j), and the candidate and his or her agents will not accept any such contribution
 21 during the campaign, unless the candidate is determined by the board to be ineligible
 22 to receive a grant after the date of that determination.

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SECTION 104. 11.50 (2) (b) 5. of the statutes is amended to read:

repealed and recreated

24 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
 25 of the date of the spring or September primary, or the date that the special primary

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

20 a candidate at the spring or general election for an office identified in s. 11.26 (1) (a)
 21 or a candidate at a special election, the required amount to qualify for a grant is 5%
 22 of the candidate's authorized disbursement limitation under s. 11.31. For any other
 23 candidate at the general election, the required amount to qualify for a grant is 10%
 24 of the candidate's authorized disbursement limitation under s. 11.31.

25 SECTION 105. 11.50 (2) (c) of the statutes is amended to read:

SECTION # RP, 11.50(2) (b) 6.
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1 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the
 2 spring primary, September primary, special primary, or date that the special primary
 3 would be held, if required, which indicate that he or she has met the qualification
 4 under par. (b) 5., the candidate may file a special report with the board. Such report
 5 shall be filed not later than the 7th day after the primary, or 7th day after the date
 6 the primary would be held, if required, and shall include such supplementary
 7 information as to sources of contributions which may be necessary to complete the
 8 candidate's qualification. The special report shall cover the period from the day after
 9 the last date covered on the candidate's most recent report, or from the date on which
 10 the first contribution was received or the first disbursement was made, whichever
 11 is earlier, if the candidate has not previously filed a report, to the date of such report.
 12 All information included on the special report shall also be included in the
 13 candidate's next report under s. 11.20. This paragraph does not apply to a candidate
 14 who files reports under s. 11.21 (16).

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SECTION 106. 11.50 (2) (g) of the statutes ^{repealed and recreated} is amended to read:

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

SECTION 107. 11.50 (2) (h) of the statutes is repealed.

SECTION 108. 11.50 (2) (i) of the statutes is repealed.

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SECTION 109. 11.50 (2) (j) of the statutes is ~~is~~ ^{repealed and recreated} created to read:

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

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SECTION 110. 11.50 (2m) of the statutes is ~~is~~ ^{repealed and recreated} created to read:

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

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

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

23

SECTION 111. 11.50 (2s) of the statutes is ~~is~~ ^{repealed and recreated} created to read:

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1 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party
2 account for each eligible political party. Each political party account consists of all
3 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

4 (b) From the account of each eligible political party, the board shall apportion
5 moneys to eligible candidates representing that party who qualify to receive grants.
6 Whenever an eligible candidate representing an eligible political party receives a
7 grant, the state treasurer shall first make payment of the grant from the political
8 party account of that party, to the extent that sufficient moneys are available in that
9 account to make payment of the grant.

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

13 SECTION 112. 11.50 (2w) of the statutes is ~~repealed~~ *as created by 2001 Wisconsin Act 109* *repealed and recreated* to read:

14 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
15 the fund consisting of all moneys designated by individuals for deposit in that
16 account under s. 71.10 (3) (a).

17 SECTION 113. 11.50 (3) of the statutes is ~~repealed~~ *as affected by 2001 Wisconsin Act 109* *repealed*.

18 SECTION 114. 11.50 (4) of the statutes is ~~repealed~~ *repealed and recreated* to read:

19 11.50 (4) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment
20 of each grant to an eligible candidate from the political party account of that
21 candidate's political party, if any, if there are sufficient moneys in that account to
22 make full payment of the grant, and then from the general account. If there are
23 insufficient moneys in the general account to make full payment of a grant, the state
24 treasurer shall supplement the general account from the appropriation under s.
25 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as

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1 provided in subs. (4m) and (10), the amount of each grant is the amount specified in
2 sub. (9).

3 **SECTION 115.** 11.50 (4m) of the statutes is created to read:

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

- 14 (a) For candidates for statewide offices, not less than 4,000 electors.
- 15 (b) For candidates for state senator, not less than 800 electors.
- 16 (c) For candidates for representative to the assembly, not less than 400 electors.

17 **SECTION 116.** 11.50 (5) of the statutes is ^{repealed and recreated} amended to read:

18 **11.50 (5) TIME OF DISBURSEMENT.** The state treasurer shall make the
19 disbursements of grants under sub. (9) (a) to the campaign depository account of each
20 eligible candidate ~~under sub. (9) (a)~~ by the end of the 3rd business day following
21 notice from the board under s. 7.08 (2) (c) or (cm). If an eligible candidate notifies the
22 state treasurer of the information required to make electronic transfers to the
23 candidate's campaign depository account, the state treasurer shall transfer to the
24 candidate any supplemental grants under sub. (9) (b), (ba), or (bb) for which the
25 candidate qualifies immediately following notice from the board under s. 7.08 (2) (c)

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~~or (cm).~~ Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.

SECTION 117. 11.50 (6) of the statutes is ~~amended~~ *repealed and recreated* to read:

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

~~SECTION 118. 11.50 (9) (11m) of the statutes is amended to read:~~

~~11.50 (9) (11m) LIMITATION ON AMOUNT OF GRANTS~~

SECTION 119. 11.50 (9) of the statutes is ~~renumbered 11.50 (9) (a) and amended~~ *repealed and recreated* to read:

11.50 (9) (a) ~~The~~ *as affected by 2001 Wisconsin Act 109,* Except as provided in this paragraph and pars. (b), (ba), and

(bb), the total grant available to an eligible candidate may not exceed an amount equal to the lesser of 45% of the disbursement level specified for the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m) or that amount which, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees by the candidate, is equal to 45% of the disbursement level specified for the applicable office that the candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m). Except as provided in pars. (b), (ba), and (bb), the total grant available to an eligible candidate who qualifies for a grant for primary campaign expenses under sub. (4m) may not exceed an amount equal to the lesser of 55% of the disbursement level specified for the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted

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

10 ~~SECTION 120. 11.50 (9) (b), (ba) and (bb) of the statutes are created to read.~~

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

24 (ba) If an eligible candidate at a primary or election, or both, who accepts a
25 grant is opposed by one or more candidates who are required, or whose personal

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

8 (bb) If the sum of the aggregate disbursements made against an eligible
9 candidate and the disbursements made for that candidate's opponent, as reported
10 under s. 11.12 (6) (c), ~~exceeds~~ 10% of the amount specified under s. 11.31 (1) (a) to (de),
11 (e), or (f), for the office that the eligible candidate seeks as adjusted under s. 11.31
12 (9) but without respect to any adjustment under s. 11.31 (1m), then the board shall

13 make an additional grant to the eligible candidate. The amount of the additional
14 grant shall equal the total of such disbursements made, ~~to the extent that the sum exceeds the~~

SECTION 121. 11.50 (11) (a) of the statutes is amended to read:

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

SECTION 122. 11.50 (11) (e) of the statutes is amended to read:

11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
any obligation to expend any grant if he or she violates the pledge required under
sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (4m)

SECTION 123. 11.50 (14) of the statutes is amended to read:

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

aggregate obligations incurred and by committees
obligations incurred and by committees
less disbursements made in payment of obligations previously reported, exceeds

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amount of any additional grant provided under Par. (b) attributable to contributions received by the committees incurring the obligations or making the disbursements

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

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

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

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

14 → SECTION 124. 11.60 (3s) and (3t) of the statutes are created to read: *SECTION 124. 11.60 (3r), as created by 2001 Wisconsin Act 109,*

15 11.60 (3s) Notwithstanding sub. (1), if any candidate or committee, other than
16 a conduit, accepts a contribution, makes a disbursement, or incurs an obligation to
17 make a disbursement for the purpose of supporting or opposing a candidate for an
18 office specified in s. 11.31 (1) (a) to (de), (e), or (f) without first registering under s.
19 11.05 (1), (2), or (2g) to the extent required under s. 11.05 (1), (2), and (2g), or without
20 reporting the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with
21 respect to that contribution, disbursement, or obligation, to the extent required
22 under ss. 11.12 (6) (c) and (8) and 11.20 (3) and (4), the candidate or other individual
23 or committee may be required to forfeit not more than \$500 per day for each day of
24 continued violation.

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

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

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

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

15 SECTION 125. 11.60 (4) of the statutes is amended to read:

16 11.60 (4) Actions under this section arising out of an election for state office or
17 a statewide referendum may be brought by the board or by the district attorney of
18 the county where the violation is alleged to have occurred, except as specified in s.
19 11.38. Actions under this section arising out of an election for local office or local
20 referendum may be brought by the district attorney of the county where the violation
21 is alleged to have occurred. Actions under this section arising out of an election for
22 county office or a county referendum may be brought by the county board of election
23 commissioners of the county wherein the violation is alleged to have occurred. In
24 addition, whenever a candidate or personal campaign committee or agent of a
25 candidate is alleged to have violated this chapter, action may be brought by the

1 as affected by 2001 Wisconsin Act
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ASSEMBLY BILL 801 109, section 2d,

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1 ~~district attorney of any county any part of which is contained within the jurisdiction~~
2 ~~or district in which the candidate seeks election.~~ If a violation concerns a district
3 attorney or circuit judge or candidate for such offices, the action shall be brought by
4 the attorney general. If a violation concerns the attorney general or a candidate for
5 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit
6 in behalf of the state. The counsel shall be independent of the attorney general and
7 need not be a state employe at the time of appointment.

8 SECTION 126. 11.61 (1) (a) of the statutes is amended to read: *repealed and recreated*

9 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2) ~~(2g) (2h)~~, 11.07
10 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than \$10,000
11 or imprisoned for not more than 4 years and 6 months or both. *is guilty of a class F felony*

12 SECTION 127. 13.625 (3m) of the statutes is created to read:

13 13.625 (3m) No elective state official and no personal campaign committee of
14 an elective state official may solicit a lobbyist or principal to arrange for another
15 person to make a campaign contribution to that official or personal campaign
16 committee or to another elective state official or the personal campaign committee
17 of that official. *as created by 2001 Wisconsin Act 109,*

18 SECTION 128. 19.42 (3m), (4g) and (4r) of the statutes are ~~created~~ *repealed and recreated* to read:

19 19.42 (3m) "Candidate," except as otherwise provided, has the meaning given
20 in s. 11.01 (1).

21 (4g) "Clearly identified," when used in reference to a communication
22 containing a reference to a person, means one of the following:

- 23 (a) The person's name appears.
24 (b) A photograph or drawing of the person appears.
25 (c) The identity of the person is apparent by unambiguous reference.

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as created by 2001 Wisconsin Act 109,
 (4r) "Communication" means a message transmitted by means of a printed
 advertisement, billboard, handbill, sample ballot, radio or television advertisement,
 telephone call, or any medium that may be utilized for the purpose of disseminating
 or broadcasting a message, but not including a poll conducted solely for the purpose
 of identifying or collecting data concerning the attitudes or preferences of electors.

SECTION 129. 19.45 (13) of the statutes is *repealed and recreated* created to read:

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

SECTION 130. 19.49 (1m) of the statutes is *repealed and recreated* created to read:

19.49 (1m) No complaint alleging a violation of s. 19.45 (13) may be filed during
 the period beginning 120 days before a general or spring election, or during the
 period commencing on the date of the order of a special election under s. 8.50, 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.

SECTION 131. 19.49 (5) of the statutes is *repealed and recreated* renumbered 19.49 (5) (a) and amended
 to read:

as affected by 2001 Wisconsin Act 109

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1 19.49 (5) (a) ~~AA~~ Except as provided in par. (b), no action may be taken on any
2 complaint ~~which~~ that is filed later than 3 years after a violation of this subchapter
3 or subch. III of ch. 13 is alleged to have occurred.

4 ~~SECTION 132~~ 19.49 (5) (b) of the statutes is created to read:

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

8 *is affected by 2001 Wisconsin Act 10 edited and recreated*
~~SECTION 133~~ 19.53 (6) of the statutes is amended to read:

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

as created by 2001 Wisconsin Act 109,

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SECTION 134. 19.535 of the statutes is ~~created~~ *repealed and recreated* to read:

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

②

SECTION 135. 19.59 (1) (br) of the statutes is ~~created~~ *repealed and recreated* to read:

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

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SECTION 136. 19.59 (7) of the statutes is ~~renumbered 19.59 (7) (a) and amended~~ *repealed and recreated* to read:

, as affected by 2001 Wisconsin Act 109,

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

6 ~~SECTION 137. 19.59 (7) (b) of the statutes is created to read:~~

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

, as affected by 2001 Wisconsin Act 109, repealed and recreated

13 ~~SECTION 138. 19.59 (8) (c) of the statutes is amended to read:~~

14 19.59 (8) (c) If the district attorney fails to commence an action to enforce sub.
15 (1) ~~(a), (b), or (c) to (g)~~ within 20 days after receiving a verified complaint or if the
16 district attorney refuses to commence such an action, the person making the
17 complaint may petition the attorney general to act upon the complaint. The attorney
18 general may then bring an action under par. (a) or (b), or both.

, as created by 2001 Wisconsin Act 109, repealed and recreated

19 ~~SECTION 139. 19.59 (8) (cm) and (cn) of the statutes are created to read:~~

20 19.59 (8) (cm) No complaint alleging a violation of sub. (1) (br) may be filed
21 during the period beginning 120 days before a general or spring election, or during
22 the period commencing on the date of the order of a special election under s. 8.50, and
23 ending on the date of that election, against a candidate who files a declaration of
24 candidacy to have his or her name appear on the ballot at that election.

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

10 *as affected by 2001 Wisconsin Act 109, repealed and recreated*
 SECTION 140. 20.510 (1) (q) of the statutes is ~~amended~~ to read:

11 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
 12 appropriation, from the Wisconsin election campaign fund, the moneys determined
 13 under s. 11.50 to provide for payments to eligible candidates whose names are
 14 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
 15 authorized under s. 11.50 (2m)

16 SECTION 141. 20.855 (4) (ha) of the statutes is created to read:

17 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
 18 equal to the amounts required to make full payment of grants which candidates
 19 qualify to receive from the Wisconsin election campaign fund, to be transferred from
 20 the general fund to the Wisconsin election campaign fund no later than the time
 21 required to make payments of grants under s. 11.50 (5).

22 *as affected by 2001 Wisconsin Act 109, repealed and recreated*
 SECTION 142. 25.42 of the statutes is ~~amended~~ to read:

23 25.42 *Wisconsin election campaign fund.* All moneys appropriated under
 24 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),
 25 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting

as affected by 2001
72 -
Wisconsin Act 109,

1 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
2 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the
3 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall
4 continue to accumulate indefinitely.

and
~~and devises~~
SPET

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72-5

~~SECTION 143~~ RP; 71.07(6s)

~~SECTION 143~~ RP; 71.08(1) (instr)

SECTION 143. 71.10 (3) of the statutes is amended to read:

(5) Campaign.

(repealed and recreated)

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

~~SECTION 144~~ 71.10 (3) (b) of the statutes is amended to read:

~~71.10 (3)~~ (b) The secretary of revenue shall provide a place for ~~these~~
designations under par. (a) on the face of the individual income tax return and shall
provide next to that place a statement that a designation will not increase tax
liability. ~~Annually on August 15,~~ The secretary shall also provide and highlight a
place in the instructions that accompany the return for any information submitted
to the secretary by the elections board under s. 11.50 (2m) without cost to the board.
No later than the 15th day of each month, the secretary of revenue shall certify to

ASSEMBLY BILL 801

1 the elections board, the department of administration and the state treasurer under
 2 ~~s. 11.50~~ the total amount of designations made on returns processed by the
 3 department of revenue during the preceding ~~fiscal year~~ month and the amount of
 4 designations made during that month for the general account and for the account of
 5 each eligible political party. If any individual attempts to place any condition or
 6 restriction upon a designation not authorized under par. (a), that individual is
 7 deemed not to have made a designation on his or her tax return.

(c) The names of individuals making designations under this subsection shall be strictly confidential. (repealed and recreated)

8 SECTION 145. 806.04 (11m) of the statutes is ~~created~~ to read:
 9 806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to
 10 publish, disseminate, or broadcast, or causes to be published, disseminated, or
 11 broadcast, any communication may commence a proceeding under this section to
 12 determine the application to that person of a registration requirement under s. 11.05
 13 (1), (2), or (2g).

INS 73-13

14 SECTION 146. Nonstatutory provisions.

15 (1) NONSEVERABILITY.

16 (a) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
 17 all or any portion of sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), or 11.50 (9) (b)
 18 or (bb) of the statutes, as ~~created~~ *affected* by this act, is unconstitutional, then sections 11.01
 19 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), and 11.50 (9) (b) and (bb) of the statutes, as ~~created~~ *affected* by
 20 this act, are void in their entirety.

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

24 SECTION 147. Appropriation changes; elections board.

SECRET# RP; 71.10(4) (gw) ✓

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→ 2003

1 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
 2 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the
 3 acts of ~~2001~~, the dollar amount is increased by \$76,100 for fiscal year ~~2001-02~~ and
 4 the dollar amount is increased by \$85,100 for fiscal year ~~2002-03~~ to increase the
 5 authorized FTE positions for the elections board by 1.0 GPR campaign finance
 6 investigator position and 1.0 GPR auditor position and to fund supporting expenses
 7 for these positions.

2003-04

2005-06

SECTION 148. Initial applicability.

a.r. a.r.

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

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

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

2006

(END)

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