



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0617M 2  
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WANTED TUE 1/14 - PM

2003 BILL

analysis  
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1 AN ACT *to repeal* 11.01 (4m), 11.01 (12s), 11.01 (12w), (13) and (14), 11.01 (17g)  
2 and (17r), 11.05 (2r), 11.05 (3) (o), 11.05 (7), 11.06 (1) (cm) and (dm), 11.06 (3m),  
3 11.06 (3r), 11.06 (3w), 11.06 (4) (e), 11.06 (11) (bm), 11.20 (8) (am), 11.21 (17),  
4 11.26 (1m) and (1t), 11.26 (2) (ae), 11.26 (2) (as), 11.26 (2) (av), 11.26 (2m) and  
5 (2t), 11.26 (8n) and (8r), 11.26 (9) (am), 11.26 (9) (c), 11.26 (9m), 11.26 (10a),  
6 11.265, 11.31 (2m), 11.385, 11.50 (2) (b) 6., 11.50 (2) (h), 11.50 (2) (i), 11.50 (3),  
7 11.60 (3r), 71.07 (6s) and 71.10 (4) (gw); *to renumber* 11.24 (2); *to amend* 8.10  
8 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 11.05 (6) (title), 11.05 (6), 11.05 (12) (title),  
9 11.06 (11) (c), 11.25 (2) (b) and 11.50 (11) (a); *to repeal and recreate* 5.02 (13),  
10 5.05 (2), 7.08 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and  
11 (d), 11.001 (2m), 11.05 (1), 11.05 (2), 11.05 (3) (c), 11.05 (3) (m), 11.05 (3) (r), 11.05  
12 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06  
13 (1) (e), 11.06 (2), 11.06 (2m) (title) and (a), 11.06 (2m) (b) to (d), 11.06 (3) (b)  
14 (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07

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1 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.12  
2 (8) and (9), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20  
3 (2), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),  
4 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.24 (1w), 11.24  
5 (4), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (2) (am), 11.26 (3),  
6 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26  
7 (12m), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)  
8 (de), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.31 (3p), 11.31 (9), 11.38 (1) (a)  
9 2., 11.38 (6), 11.38 (8) (b), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (1) (a) 2m., 11.50  
10 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (a), 11.50 (2) (b) 3., 11.50 (2) (b) 4.,  
11 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (j), 11.50 (2m),  
12 11.50 (2s), 11.50 (2w), 11.50 (4), 11.50 (5), 11.50 (6), 11.50 (7) (intro.), 11.50 (8),  
13 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.50 (14), 11.60 (4), 11.61 (1) (a), 19.42  
14 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5), 19.53 (6), 19.535, 19.59 (1)  
15 (br), 19.59 (7), 19.59 (8) (c), 19.59 (8) (cm) and (cn), 20.510 (1) (q), 25.42, 71.08  
16 (1) (intro.), 71.10 (3) and 806.04 (11m); *to create* 7.08 (2) (cs), 11.01 (16) (a) 3.,  
17 11.05 (3) (s), 11.05 (5r), 11.12 (2m), 11.26 (2) (ad), 11.26 (2) (au), 11.26 (8m), 11.31  
18 (1m), 11.50 (4m), 11.50 (10), 11.60 (3s) and (3t), 13.625 (3m) and 20.855 (4) (ba)  
19 of the statutes; and *to affect* 2001 Wisconsin Act 109, section 9115 (2v), (2w),  
20 (2x) and (2y), 2001 Wisconsin Act 109, section 9132 (4v), 2001 Wisconsin Act  
21 109, section 9215 (3v), 2001 Wisconsin Act 109, section 9244 (6v), 2001  
22 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin Act 109, section  
23 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx); *relating to:*  
24 *campaign financing, official action in return for providing or withholding*  
25 *political contributions, services, or other things of value, lobbying regulation,*

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1 designations for the Wisconsin election campaign fund by individuals filing  
2 state income tax returns, nonrefundable income tax credits for certain  
3 donations to the Wisconsin election campaign fund, candidate time on public  
4 broadcasting television stations and public access channels, statewide voter  
5 registration, staffing of the Elections Board, providing exemptions from  
6 emergency rule procedures, granting rule-making authority, making  
7 appropriations, and providing penalties.

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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, the lobbying regulation law, the code of ethics for state and local public officials, and the staffing of the Elections Board.

2001 Wisconsin Act 109 made comprehensive changes to campaign finance, ethics, lobbying regulation, income tax, public broadcasting, and cable television laws. Most changes made by Act 109 take effect on July 1, 2003. With the exception of provisions requiring candidate time on public broadcasting stations and public access channels at public expense, these provisions were made nonseverable so that if a court found that any of the provisions were unconstitutional all of the provisions would then be invalid. On December 11, 2002, in *Wisconsin Realtors Association et al. v. Ponto et al.*, Case No-02-C-424-C, the U.S. District Court for the Western District of Wisconsin found that one provision of Act 109 relating to advance reporting of certain independent disbursements before obligations are incurred to make those disbursements violates the First and Fourteenth amendments. While this decision is subject to appeal, it apparently precludes enforcement and administration of the Act 109 changes as of December 11, 2002. The Act 109 changes, however, currently remain in the statutes and the law in effect before Act 109 is removed from the statutes on July 1, 2003.

This bill deletes all of the changes described above made by Act 109, including the changes not affected by the nonseverability provision, and makes other changes effective on February 1, 2003, or on the day after the bill is published as an act, whichever is later. The following is a description of the changes made by this bill to the current statutes (in effect before July 1, 2003) and, in each case, a notation as to whether the change was contained within Act 109:

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,

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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.

Currently, with certain limited exceptions, any individual who accepts and makes or transfers political contributions, or who incurs obligations or makes disbursements for political purposes, and any organization that makes or transfers contributions, or that incurs obligations or makes disbursements for political purposes, must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

This bill provides that no individual who or organization which is subject to a registration requirement may make any contribution prior to the date of registration. The bill also provides that no registrant may accept any contribution from any individual who or organization which is subject to a registration requirement prior to the date of registration of that individual or organization.

Currently, a new registrant is generally prohibited from making a contribution or disbursement from property or funds received prior to the date of registration, except that, if a registrant holds property or funds at the time of registration that were not intended for political purposes in connection with an election for state or local office at the time that they were received, the registrant may report the property or funds as received on the date of registration and may then use the property or funds to make a contribution or disbursement.

This bill deletes that exception.

None of the above changes was included in Act 109.

Currently, a nonresident registrant need report only contributions and other income received from sources in this state and disbursements made and obligations incurred with respect to an election for state or local office in this state. This bill deletes this exception.

This change was included in Act 109.

Currently, with certain exceptions, a registrant who or which is required to register with a filing officer in this state must file regular reports identifying contributions received and disbursements made and providing certain other information. However, a committee of a candidate for the U.S. Senate or House of Representatives or a national political party committee need not file reports for any period covered in a report filed by the committee with the Federal Election Commission. In addition, a state political party committee which is registered with the Federal Election Commission and which makes contributions to candidates for national office, as well as contributions to other state political party committees, need not file reports for any period covered by a report filed by the committee with the Federal Election Commission if the Elections Board receives a copy of that report and the committee makes no contributions to any individual who or organization which is required to register with a filing officer under Wisconsin law. This bill deletes these exceptions to state reporting requirements.

The above changes were not included in Act 109.

**BILL*****Reporting thresholds***

The bill also 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.

In addition, the bill 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.

The above changes were included in Act 109.

***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.

This change was included in Act 109.

***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

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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 any communication which includes a reference to a candidate at that election, an office to be filled at that election, or a political party. The bill also requires an individual or organization who or which becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. 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.

Act 109 contained similar but not identical provisions.

***Special reporting by certain registrants***

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

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

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primary election or the date that a primary would be held, if required, and ending with date of the election at which the candidate seeks office.

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

Under the bill, the special interest committee must file these additional reports within 24 hours after a reportable transaction occurs.

Act 109 established similar requirements, but required certain reporting to occur before a transaction was permitted to occur.

***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.

This change was included in Act 109.

**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.

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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 does the following:

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

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

Act 109 also increased disbursement levels, but in some cases by different amounts.

2. It 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.

Act 109 did not include this change.

3. It 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.

This change was included in Act 109.

4. It 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.



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Act 109 also required reporting of obligations, but subject to a different threshold.

5. It increases the disbursement limitation of any candidate who accepts a public grant by certain amounts for which matching grants from the Wisconsin election campaign fund are potentially available (see grant eligibility requirements and amounts, below).

Act 109 made similar but not identical changes.

6. It 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.

Act 109 did not include this change

7. It 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.

Act 109 did not include this change

**CONTRIBUTION LIMITATIONS**

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

This bill establishes specified limitations on committee contributions to candidates for statewide office as follows: a) candidates for governor, \$45,000; b) candidates for lieutenant governor, \$15,000; c) candidates for attorney general, \$25,000; and d) candidates for secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court, \$10,000. Under the bill, the limitation on committee contributions to a particular political party, and on the annual amount that a political party may accept from a particular committee, is increased to \$18,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$450,000.

Act 109 included similar changes, but in some cases specified different amounts.

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

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

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

Act 109 did not include this change, but created other exceptions to this limitation.

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

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

Act 109 made different changes to amounts of this limitation.

**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

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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.

This change was included in Act 109.

**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.

This change was included in Act 109.

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.

Act 109 contained a similar but not identical provision.

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.

Act 109 did not include this change.

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.

Act 109 did not include this change.

**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

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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.

Act 109 did not include this change.

**DISPOSITION OF RESIDUAL OR EXCESS FUNDS**

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

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

This change was included in Act 109.

**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 does the following:

1. It 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,

only for purposes of individual contribution and qualification for a grant from the Wisconsin election campaign fund (see below).

made by an individual that is

in accordance with current law

Under the bill, contributions made by conduits that

are considered to be committee contributions for purposes of

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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.

Except for the political party checkoff, Act 109 did not include these changes, but made diverse other changes to the income tax checkoff.

2. It 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.

Act 109 contained similar but not identical provisions.

***Grant eligibility requirements and amounts***

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

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

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

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

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless at least one of the candidate's opponents who received at least 6% of the votes cast for

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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 does the following:

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

Act 109 also made changes to grant-qualifying requirements, but included different provisions.

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

Act 109 included this change, subject to certain limitations.

3. It 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).

Act 109 included other changes to maximum grant amounts

4. It 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

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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 to 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).

Act 109 did not include this change.

5. It provides that a candidate who accepts a grant shall receive a supplemental grant in an amount equal to: a) 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; b) 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; and c) the total amount of any independent obligations that are incurred and disbursements that are made by special interest committees to oppose that candidate, or to support that candidate's opponent, including any independent obligations incurred or disbursements made by special interest committees in close proximity to the election for the purpose of making certain mass communications to oppose that candidate or to support that candidate's opponent, less disbursements made in payment of obligations previously reported, if the total amount exceeds 10% of the disbursement limitation for the office that the candidate seeks to the extent that this amount exceeds the amount of any additional grant provided under b) attributable to contributions received by the committees incurring the obligations or making the disbursements.

Act 109 included provisions for supplemental grants, but under different conditions.

6. It 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.

Act 109 did not include this change.

**PENALTIES FOR VIOLATIONS**

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

Currently, effective February 1, 2003, 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

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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 three years and six months, or both, if the violation exceeds \$100 in amount or value.

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

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

Act 109 did not include this change.

**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.

This change was included in Act 109.

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

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

This bill provides, in addition, that no state or local public official holding an elective office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of or upon condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service



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or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under the campaign finance law, or any person making a mass communication that contains a reference to a clearly identified state or local public official or a candidate for state or local public office.

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

The bill also provides that, if the Ethics Board refuses or otherwise fails to authorize an investigation or a district attorney fails to initiate a prosecution with respect to any violation of the prohibition created by the bill within 30 days after receiving a verified complaint alleging such a violation, the person making the complaint may bring a lawsuit to recover a forfeiture on behalf of the state. If the person making the complaint prevails, the bill provides that the court may require the defendant to pay the complainant's attorney fees and costs, but any forfeiture recovered must be paid to the state. If the court finds that a lawsuit was frivolous, the court must award fees and costs to the defendant. The bill provides that no complaint alleging a violation of the prohibition contained in the bill may be filed during the period beginning 120 days before a general or spring election or the date that a special election is ordered and ending on the date of that election against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

This change was included in Act 109.

**PUBLIC BROADCASTING TELEVISION STATIONS AND PUBLIC ACCESS CHANNELS**

Act 109 requires, effective on July 1, 2003, that free time on public broadcasting television stations and public access channels be provided to candidates for state office. Under current law, the Federal Communications Commission grants licenses for the operation of public broadcasting television stations. Also under current law, a city, village, or town is authorized to grant a franchise to a person that allows that person to operate a cable television system in the city, village, or town. Under the franchise, the person may be required to provide cable television channels that the city, village, or town may use for public, educational, or governmental purposes. A channel that is used exclusively for public, rather than educational or governmental purposes, is commonly referred to as a public access channel. A city, village, or town may operate a public access channel, or a city, village, or town may allow another person to operate the channel. Act 109 also required the Elections Board to promulgate rules that require licensees of public broadcasting stations and operators of public access channels to provide a minimum amount of free time to candidates for state office at general, spring, and special elections. The rules must require the same amount of time for each candidate for a particular state office, but

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may require different amounts of time for different offices. These changes are not affected by the court decision in *Wisconsin Realtors Association v. Ponto* (see above).

This bill repeals these provisions.

**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 of the following parts of the bill is unconstitutional, then all of the following parts are void: a) parts relating to the reporting of independent obligations and disbursements for mass communications; b) parts relating to the provision of supplemental grants to candidates who are opposed or whose opponents are supported by any independent obligations or disbursements, including those that are reportable under current law; c) parts relating to the reporting of contributions received for the purpose of making such independent disbursements; and d) parts relating to the provision of supplemental grants to candidates who are intended to be opposed or whose opponents are intended to be supported through the use of such contributions.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

1           **SECTION 1.** 5.02 (13) of the statutes, as affected by 2001 Wisconsin Act 109, is  
2 repealed and recreated to read:

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

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1           **SECTION 2.** 5.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is  
2 repealed and recreated to read:

3           **5.05 (2) AUDITING.** In addition to the facial examination of reports and  
4 statements required under s. 11.21 (13), the board shall conduct an audit of reports  
5 and statements which are required to be filed with it to determine whether violations  
6 of ch. 11 have occurred. The board may examine records relating to matters required  
7 to be treated in such reports and statements. The board shall make official note in  
8 the file of a candidate, committee, group, or individual under ch. 11 of any error or  
9 other discrepancy which the board discovers and shall inform the person submitting  
10 the report or statement.

11           **SECTION 3.** 7.08 (2) (c) and (cm) of the statutes, as affected by 2001 Wisconsin  
12 Act 109, are repealed and recreated to read:

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

24           (cm) As soon as possible after the canvass of a special primary, or the date that  
25 the primary would be held, if required, transmit to the state treasurer a certified list

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1 of all eligible candidates for state office who have filed applications under s. 11.50 (2)  
2 and who the board determines are eligible to receive a grant from the Wisconsin  
3 election campaign fund prior to the election. The board shall also transmit a similar  
4 list of candidates, if any, who have filed applications under s. 11.50 (2) and who the  
5 board determines are eligible to receive a grant under s. 11.50 (1) (a) 2. after the  
6 special election. The board shall electronically transmit a similar list of candidates  
7 who the board determines are eligible to receive a grant under s. 11.50 (9) (b), (ba),  
8 or (bb) within 24 hours after any candidate qualifies to receive such a grant. Each  
9 list shall contain each candidate's name, the mailing address indicated upon the  
10 candidate's registration form, the office for which the individual is a candidate and  
11 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:

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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 as follows:

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, as affected by 2001 Wisconsin Act 109, is  
19 repealed and recreated to read:

20           8.30 (2) If no registration statement has been filed by or on behalf of a candidate  
21 for state or local office in accordance with s. 11.05 (2g) by the applicable deadline for  
22 filing nomination papers by the candidate, or the deadline for filing a declaration of  
23 candidacy for an office for which nomination papers are not filed, the name of the  
24 candidate may not appear on the ballot. This subsection may not be construed to

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1 exempt a candidate from applicable penalties if he or she files a registration  
2 statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

3 **SECTION 9.** 8.35 (4) (a) 1. a. and b. of the statutes, as affected by 2001 Wisconsin  
4 Act 109, are repealed and recreated to read:

5 8.35 (4) (a) 1. a. If the former candidate was a partisan candidate, donated to  
6 the former candidate's local or state political party, donated to a charitable  
7 organization, or transferred to the board for deposit in the Wisconsin election  
8 campaign fund, as instructed by the former candidate or, if the candidate left no  
9 instruction, by the former candidate's next of kin; or

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

14 **SECTION 10.** 8.35 (4) (c) and (d) of the statutes, as affected by 2001 Wisconsin  
15 Act 109, are repealed and recreated to read:

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

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

5 **SECTION 11.** 11.001 (2m) of the statutes, as created by 2001 Wisconsin Act 109,  
6 is repealed and recreated to read:

7 **11.001 (2m)** The legislature finds a compelling justification for minimal  
8 disclosure of all communications made near the time of an election that include a  
9 reference to a candidate at that election, an office to be filled at that election, or a  
10 political party in order to permit increased funding for candidates who are affected  
11 by those communications. This minimal disclosure burden is outweighed by the need  
12 to establish an effective funding mechanism for affected candidates to effectively  
13 respond to communications that may impact an election.

14 **SECTION 12.** 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109,  
15 is repealed.

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

17 **SECTION 14.** 11.01 (12w), (13) and (14) of the statutes, as created by 2001  
18 Wisconsin Act 109, are repealed.

19 **SECTION 15.** 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act  
20 109, is created to read:

21 **11.01 (16) (a) 3.** A communication that is made by means of one or more  
22 communications media, other than a communication that is exempt from reporting  
23 under s. 11.29, that is made during the period beginning on the 60th day preceding  
24 an election and ending on the date of that election and that includes a reference to  
25 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on

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1 the ballot at that election, a reference to an office to be filled at that election, or a  
2 reference to a political party.

3 **SECTION 16.** 11.01 (17g) and (17r) of the statutes, as created by 2001 Wisconsin  
4 Act 109, are repealed.

5 **SECTION 17.** 11.05 (1) of the statutes, as affected by 2001 Wisconsin Act 109,  
6 is repealed and recreated to read:

7 **11.05 (1) COMMITTEES AND GROUPS.** (a) Except as provided in s. 9.10 (2) (d), every  
8 committee, other than a personal campaign committee, that makes or accepts  
9 contributions, incurs obligations, or makes disbursements in a calendar year in an  
10 aggregate amount in excess of \$25 shall file a statement with the appropriate filing  
11 officer giving the information required by sub. (3). In the case of any committee other  
12 than a personal campaign committee, the statement shall be filed by the treasurer.  
13 A personal campaign committee shall register under sub. (2g).

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

18 **SECTION 18.** 11.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109,  
19 is repealed and recreated to read:

20 **11.05 (2) INDIVIDUALS.** (a) Except as provided in s. 9.10 (2) (d), every individual,  
21 other than a candidate or agent of a candidate, who accepts contributions, incurs  
22 obligations, or makes disbursements with respect to one or more elections for state  
23 or local office in a calendar year in an aggregate amount in excess of \$25 shall file  
24 a statement with the appropriate filing officer giving the information required by  
25 sub. (3). An individual who guarantees a loan on which an individual, committee or



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1 group subject to a registration requirement defaults is not subject to registration  
2 under this subsection solely as a result of such default.

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

7 **SECTION 19.** 11.05 (2r) of the statutes, as affected by 2001 Wisconsin Act 109,  
8 is repealed.

9 **SECTION 20.** 11.05 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 109,  
10 is repealed and recreated to read:

11 11.05 (3) (c) In the case of a committee, a statement as to whether the  
12 committee is a personal campaign committee, a political party committee, a support  
13 committee, or a special interest committee.

14 **SECTION 21.** 11.05 (3) (m) of the statutes, as created by 2001 Wisconsin Act 109,  
15 is repealed and recreated to read:

16 11.05 (3) (m) In the case of a personal campaign committee, the name of the  
17 candidate on whose behalf the committee was formed or intends to operate and the  
18 office or offices that the candidate seeks.

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

20 **SECTION 23.** 11.05 (3) (r) of the statutes, as created by 2001 Wisconsin Act 109,  
21 is repealed and recreated to read:

22 11.05 (3) (r) In the case of a candidate or personal campaign committee of a  
23 candidate, the telephone number or numbers and a facsimile transmission number  
24 or electronic mail address, if any, at which the candidate may be contacted.

25 **SECTION 24.** 11.05 (3) (s) of the statutes is created to read:

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1           11.05 (3) (s) In the case of a registrant that has made a communication  
2 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.  
3 11.06 (1) with respect to any obligation to make a disbursement incurred or any  
4 disbursement made for the purpose of making such a communication prior to  
5 registration.

6           **SECTION 25.** 11.05 (5) of the statutes, as affected by 2001 Wisconsin Act 109,  
7 is repealed and recreated to read:

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

23           **SECTION 26.** 11.05 (5r) of the statutes is created to read:

24           11.05 (5r) **CONTRIBUTION PRIOR TO REGISTRATION PROHIBITED.** (a) Except as  
25 provided in sub. (13), no person, committee, or group subject to a registration

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1 requirement may make any contribution prior to the date of registration under this  
2 section.

3 (b) No registrant may accept any contribution from a person, committee, or  
4 group subject to a registration requirement prior to the date of registration of that  
5 person, committee, or group.

6 SECTION 27. 11.05 (6) (title) of the statutes is amended to read:

7 11.05 (6) (title) CONTRIBUTION OR DISBURSEMENT FROM PREEXISTING ASSETS  
8 PROHIBITED.

9 SECTION 28. 11.05 (6) of the statutes is amended to read:

10 11.05 (6) CONTRIBUTION OR DISBURSEMENT PROHIBITED. Except as provided in  
11 ~~subs. (7) and sub. (13)~~, no person, committee, or group subject to a registration  
12 requirement may make any contribution or disbursement from property or funds  
13 received prior to the date of registration under this section.

14 SECTION 29. 11.05 (7) of the statutes is repealed.

15 SECTION 30. 11.05 (9) (title) of the statutes, as affected by 2001 Wisconsin Act  
16 109, is repealed and recreated to read:

17 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

18 SECTION 31. 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109,  
19 is repealed and recreated to read:

20 11.05 (9) (b) An individual who or a committee or group which receives a  
21 contribution of money and transfers the contribution to another individual,  
22 committee, or group while acting as a conduit is not subject to registration under this  
23 section unless the individual, committee, or group transfers the contribution to a  
24 candidate or a personal campaign, political party, or support committee.

25 SECTION 32. 11.05 (12) (title) of the statutes is amended to read:

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1           11.05 (12) (title) TIME OF REGISTRATION; ACCEPTANCE OF UNLAWFUL CONTRIBUTIONS.

2           **SECTION 33.** 11.05 (12) (b) of the statutes, as affected by 2001 Wisconsin Act  
3 109, is repealed and recreated to read:

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

13           **SECTION 34.** 11.05 (13) of the statutes, as affected by 2001 Wisconsin Act 109,  
14 is repealed and recreated to read:

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

22           **SECTION 35.** 11.06 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act  
23 109, is repealed and recreated to read:

24           11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2) and (2m)  
25 and s. 11.19 (2), each registrant under s. 11.05 shall make full reports, upon a form

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1 prescribed by the board and signed by the appropriate individual under sub. (5), of  
2 all contributions received, contributions or disbursements made, and obligations  
3 incurred. Each report shall contain the following information, covering the period  
4 since the last date covered on the previous report, unless otherwise provided:

5 **SECTION 36.** 11.06 (1) (cm) and (dm) of the statutes, as created by 2001  
6 Wisconsin Act 109, are repealed.


7 **SECTION 37.** 11.06 (1) (e) of the statutes, as affected by 2001 Wisconsin Act 109,  
8 is repealed and recreated to read:

9 11.06 (1) (e) An itemized statement of contributions over \$20 from a single  
10 source donated to a charitable organization or to the common school fund, with the  
11 full name and mailing address of the donee, and a statement of contributions over  
12 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

13 **SECTION 38.** 11.06 (2) of the statutes, as affected by 2001 Wisconsin Act 109,  
14 is repealed and recreated to read:

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

24 **SECTION 39.** 11.06 (2m) (title) and (a) of the statutes, as affected by 2001  
25 Wisconsin Act 109, are repealed and recreated to read:



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1           11.06 (2m) (title) GENERAL REPORTING EXEMPTIONS. (a) Any person, committee,  
2 or group, other than an individual or committee required to file an oath under s. 11.06  
3 (7), who or which does not anticipate accepting contributions, making  
4 disbursements, or incurring obligations in an aggregate amount in excess of \$1,000  
5 in a calendar year and does not anticipate accepting any contribution or  
6 contributions from a single source, other than contributions made by a candidate to  
7 his or her own campaign, exceeding \$100 in that year may indicate on its registration  
8 statement that the person, committee, or group will not accept contributions, incur  
9 obligations, or make disbursements in the aggregate in excess of \$1,000 in any  
10 calendar year and will not accept any contribution or contributions from a single  
11 source, other than contributions made by a candidate to his or her own campaign,  
12 exceeding \$100 in any calendar year. Any registrant making such an indication is  
13 not subject to any filing requirement if the statement is true. The registrant need  
14 not file a termination report. A registrant not making such an indication on a  
15 registration statement is subject to a filing requirement. The indication may be  
16 revoked and the registrant is then subject to a filing requirement as of the date of  
17 revocation, or the date that aggregate contributions, disbursements, or obligations  
18 for the calendar year exceed \$1,000, or the date on which the registrant accepts any  
19 contribution or contributions exceeding \$100 from a single source, other than  
20 contributions made by a candidate to his or her own campaign, during any calendar  
21 year, whichever is earlier.

22           **SECTION 40.** 11.06 (2m) (b) to (d) of the statutes, as created by 2001 Wisconsin  
23 Act 109, are repealed and recreated to read:

24           11.06 (2m) (b) Any individual or committee who or which is required to file an  
25 oath under s. 11.06 (7) and who or which accepts contributions, makes

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1 disbursements, or incurs obligations for the purpose of supporting or opposing one  
2 or more candidates for state office and who or which does not anticipate accepting  
3 contributions, making disbursements, or incurring obligations in an aggregate  
4 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any  
5 contribution or contributions from a single source exceeding \$100 in that year may  
6 indicate on its registration statement that the individual or committee will not  
7 accept contributions, incur obligations, or make disbursements in the aggregate in  
8 excess of \$1,000 in any calendar year and will not accept any contribution or  
9 contributions from a single source exceeding \$100 in any calendar year. Any  
10 registrant making such an indication is not subject to any filing requirement if the  
11 statement is true. The registrant need not file a termination report. A registrant not  
12 making such an indication on a registration statement is subject to a filing  
13 requirement. The indication may be revoked and the registrant is then subject to a  
14 filing requirement as of the date of revocation, or the date on which aggregate  
15 contributions, disbursements, or obligations for the calendar year exceed \$1,000, or  
16 the date on which the registrant accepts any contribution or contributions exceeding  
17 \$100 from a single source during any calendar year, whichever is earlier.

18 (c) Any individual or committee who or which is required to file an oath under  
19 s. 11.06 (7) and who or which accepts contributions, makes disbursements, or incurs  
20 obligations for the purpose of supporting or opposing one or more candidates for local  
21 office but not for the purpose of supporting or opposing any candidate for state office  
22 and who or which does not anticipate accepting contributions, making  
23 disbursements, or incurring obligations in an aggregate amount in excess of \$100 in  
24 a calendar year may indicate on its registration statement that the individual or  
25 committee will not accept contributions, incur obligations, or make disbursements

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

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

13 **SECTION 41.** 11.06 (3) (b) (intro.) of the statutes, as affected by 2001 Wisconsin  
14 Act 109, is repealed and recreated to read:

15 11.06 (3) (b) (intro.) A nonresident registrant that makes a report under sub.  
16 (1) shall ensure that the report separately states information under sub. (1)  
17 concerning all of the following, in a manner prescribed by the board:

18 **SECTION 42.** 11.06 (3m) of the statutes is repealed.

19 **SECTION 43.** 11.06 (3r) of the statutes is repealed.

20 **SECTION 44.** 11.06 (3w) of the statutes is repealed.

21 **SECTION 45.** 11.06 (4) (b) of the statutes, as affected by 2001 Wisconsin Act 109,  
22 is repealed and recreated to read:

23 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a  
24 contribution must be reported as received and accepted on the date received. This  
25 paragraph applies notwithstanding the fact that the contribution is not deposited in



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1 a campaign depository account by the closing date for a reporting period as provided  
2 in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

3 **SECTION 46.** 11.06 (4) (e) of the statutes is repealed.

4 **SECTION 47.** 11.06 (5) of the statutes, as affected by 2001 Wisconsin Act 109,  
5 is repealed and recreated to read:

6 **11.06 (5) REPORT MUST BE COMPLETE.** A registered individual or treasurer of a  
7 group or committee shall make a good faith effort to obtain all required information.  
8 The first report shall commence no later than the date that the first contribution is  
9 received and accepted or the first disbursement is made. Each report shall be filed  
10 with the appropriate filing officer on the dates designated in s. 11.20 and, if the  
11 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The  
12 individual or the treasurer of the group or committee shall certify to the correctness  
13 of each report. In the case of a candidate, the candidate or treasurer shall certify to  
14 the correctness of each report. If a treasurer is unavailable, any person designated  
15 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

16 **SECTION 48.** 11.06 (7m) (a) of the statutes, as affected by 2001 Wisconsin Act  
17 109, is repealed and recreated to read:

18 **11.06 (7m) (a)** If a committee which was registered under s. 11.05 as a political  
19 party committee supporting candidates of a political party files an oath under sub.  
20 (7) affirming that it does not act in cooperation or consultation with any candidate  
21 who is nominated to appear on the party ballot of the party at a general or special  
22 election, that the committee does not act in concert with, or at the request or  
23 suggestion of, such a candidate, that the committee does not act in cooperation or  
24 consultation with such a candidate or agent or authorized committee of such a  
25 candidate who benefits from a disbursement made in opposition to another

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

8 **SECTION 49.** 11.06 (7m) (b) of the statutes, as affected by 2001 Wisconsin Act  
9 109, is repealed and recreated to read:

10 11.06 (7m) (b) If the committee has already made contributions in excess of the  
11 amounts specified in s. 11.26 (2) at the time that it files an oath under sub. (7), each  
12 candidate to whom contributions are made shall promptly return a sufficient amount  
13 of contributions to bring the committee into compliance with this subsection and the  
14 committee may not make any additional contributions in violation of this subsection.

15 **SECTION 50.** 11.06 (7m) (c) of the statutes, as affected by 2001 Wisconsin Act  
16 109, is repealed and recreated to read:

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

23 **SECTION 51.** 11.06 (11) (bm) of the statutes, as created by 2001 Wisconsin Act  
24 109, is repealed.

25 **SECTION 52.** 11.06 (11) (c) of the statutes is amended to read:

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

4           **SECTION 53.** 11.07 (1) of the statutes, as affected by 2001 Wisconsin Act 109,  
5 is repealed and recreated to read:

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

16           **SECTION 54.** 11.07 (5) of the statutes, as affected by 2001 Wisconsin Act 109,  
17 is repealed and recreated to read:

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

24           **SECTION 55.** 11.09 (3) of the statutes, as affected by 2001 Wisconsin Act 109,  
25 is repealed and recreated to read: