

2003 DRAFTING REQUEST

Bill

Received: 10/25/2002

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Mike Driedric

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Elections - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Roessler@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Nomination of candidates for the office of lieutenant governor

Instructions:

Per 01 SB 205.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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10/28

2001 SENATE BILL 205

LPS: Proof amended stats. w/ FOLIO.

June 12, 2001 - Introduced by Senators ROESSLER and SCHULTZ, cosponsored by Representatives FOTI, GROTHMAN, KRAWCZYK, MUSSER, OLSEN, OWENS, POWERS, URBAN, WADE and WALKER. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

Gen. Cat.

1 AN ACT *to repeal* 8.15 (8) (intro.); *to amend* 5.62 (1) (a), 7.38 (1), 7.70 (3) (d), 8.15
2 (4) (b), 8.15 (8) (a), 8.15 (8) (b), 8.16 (1), 8.16 (6), 8.21, 8.30 (2), 8.35 (1), 8.35 (2)
3 (a), 8.35 (2) (b), 8.35 (4) (a) 1. (intro.), 8.35 (4) (b), 11.05 (3m), 11.50 (1) (a) 1.,
4 11.50 (2) (a), 11.50 (2) (b) 4., 11.50 (2) (b) 5., 19.42 (4) and 19.43 (4); and *to create*
5 8.03 (2g) and 8.15 (1m) of the statutes; *relating to:* *nominations of* nominating major party
6 candidates for the office of lieutenant governor and filling vacancies in certain
7 nominations.

Analysis by the Legislative Reference Bureau

Under current law, a candidate for the nomination of a major party (a party which is entitled by law to a separate ballot or column on the ballot) for the office of lieutenant governor may file nomination papers at the same time as candidates for other state partisan offices. At the September primary, electors may vote for a candidate for the office of lieutenant governor separately from candidates for other offices within their preferred party. The winning candidate for the office of lieutenant governor within each party at the primary is then placed on the ballot at the general election, along with the party's winning candidate for the office of governor. The electors voting at the general election then cast one vote for the offices of governor and lieutenant governor, jointly. A candidate for the office of lieutenant governor must receive at least 6% of the vote cast on all ballots for all candidates for

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that office in the September primary to qualify for a grant from the Wisconsin election campaign fund. Minor party or independent candidates for the office of governor or lieutenant governor may file nomination papers with or without a running mate and may appear on the primary and general election ballots in the same manner as major party candidates.

This bill changes the procedure for nominating a major party candidate for the office of lieutenant governor. Under ~~this~~ ^{the} bill, a major party candidate for the office of lieutenant governor does not file nomination papers and does not appear on the primary ballot. Rather, each major party candidate for the office of governor must certify the name of a candidate for the office of lieutenant governor within two days after official certification of the gubernatorial candidate's nomination at the September primary. The certified candidate for the office of lieutenant governor then has three days after receipt of the certification to file a declaration of candidacy, a statement of economic interests and, if the candidate has not already done so, a financial registration. The certified candidate for the office of lieutenant governor is then placed on the general election ballot along with the gubernatorial candidate who certified his or her name. For purposes of qualifying for a grant from the Wisconsin election campaign fund, a major party candidate for the office of lieutenant governor is considered to receive the same percentage of the September primary vote as the candidate for the office of governor who certifies his or her name. In addition, contributions received by the candidate for the office of governor in excess of those needed for the candidate for the office of governor to qualify for a grant may be used to qualify the candidate for the office of lieutenant governor for a grant. Minor party and independent candidates for the office of lieutenant governor continue to be nominated on nomination papers and appear on the primary ballot as currently provided.

Currently, a person who files nomination papers and qualifies to appear on the ballot may not decline nomination. However, if a candidate dies before the election, the chairperson of the state party committee, the chairperson of the county party committee, or the former candidate's personal campaign committee generally may nominate a person to fill the vacancy in nomination, depending upon the former candidate's party affiliation and the office for which the candidate was nominated. This bill allows a major party candidate for the office of lieutenant governor who is also nominated for another elective office to decline one of the nominations. In addition, ~~this~~ ^{the} bill utilizes the existing procedure for filling a vacancy in nomination caused by the death of a candidate to fill a vacancy in nomination caused by a major party candidate for the office of lieutenant governor declining a nomination.

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

1 **SECTION 1.** 5.62 (1) (a) of the statutes is amended to read:

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1 5.62 (1) (a) At September primaries, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, ~~state~~ and
3 county offices, and for state offices, except the office of lieutenant governor, and for
4 independent candidates for state office in each ward, in the same form as prescribed
5 by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The ballots shall
6 be made up of the several party tickets with each party entitled to participate in the
7 primary under par. (b) or sub. (2) having its own ballot, except as authorized in s.
8 5.655. The independent candidates for state office other than district attorney shall
9 have a separate ballot for all such candidates as under s. 5.64 (1) (e), except as
10 authorized in s. 5.655. The ballots shall be secured together at the bottom. The party
11 ballot of the party receiving the most votes for president or governor at the last
12 general election shall be on top with the other parties arranged in descending order
13 based on their vote for president or governor at the last general election. The ballots
14 of parties qualifying under sub. (2) shall be placed after the parties qualifying under
15 par. (b), in the same order in which the parties filed petitions with the board. Any
16 ballot required under par. (b) 2. shall be placed next in order. The ballot listing the
17 independent candidates shall be placed at the bottom. At polling places where voting
18 machines are used, each party and the independent candidates shall be represented
19 in one or more separate columns or rows on the ballot. At polling places where an
20 electronic voting system is used other than an electronic voting machine, each party
21 and the independent candidates may be represented in separate columns or rows on
22 the ballot.

23 **SECTION 2.** 7.38 (1) of the statutes is amended to read:

24 7.38 (1) Except as provided in sub. (4), after the death of a candidate nominated
25 for a partisan office, either in a primary or when no primary is required under s. 8.50

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1 (3) (b), or after a candidate declines nomination under s. 8.03 (2g), the vacancy may
2 be filled by the candidate's political party. In the case of county offices, the vacancy
3 shall be filled by the chairperson of the county committee. If no county committee
4 exists, the vacancy shall be filled by the chairperson of the state committee. For other
5 offices, the vacancy shall be filled by the chairperson of the state committee. The
6 appropriate chairperson shall file with the official or agency with whom nomination
7 papers are filed for the office or, if nomination papers are not required, with the
8 official or agency with whom a declaration of candidacy is filed for the office a
9 certificate signed, certified and sworn to the same as an original nomination paper.
10 The certificate shall state the cause of the vacancy, the name of the new nominee and
11 the office for which the nomination is made. ~~A~~ Except as authorized under s. 8.16
12 (6), a political party may not nominate a candidate for an office for which no person
13 representing that party has filed nomination papers and a declaration of candidacy.

14 **SECTION 3.** 7.70 (3) (d) of the statutes is amended to read:

15 7.70 (3) (d) When the certified statements and returns are received, the
16 chairperson of the board or the chairperson's designee shall proceed to examine and
17 make a statement of the total number of votes cast at any election for the offices
18 involved in the election for president and vice president; a statement for each of the
19 ~~offices~~ office of governor, ~~lieutenant governor~~, if a primary, and a joint statement for
20 the offices of governor and lieutenant governor, if a general election; a statement for
21 each of the offices of secretary of state, state treasurer, attorney general, and state
22 superintendent; for U.S. senator; representative in congress for each congressional
23 district; the state legislature; justice; court of appeals judge; circuit judge; district
24 attorney; metropolitan sewerage commission, if the commissioners are elected under
25 s. 200.09 (11) (am); and for any referenda questions submitted by the legislature.

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1 **SECTION 4.** 8.03 (2g) of the statutes is created to read:

2 8.03 **(2g)** Subsection (1) shall not apply when a candidate whose name is
3 certified for placement on the general election ballot as a candidate for the office of
4 lieutenant governor under s. 8.16 (6) is nominated for another elective office to be
5 filled at the general election. No later than the deadline for filing a declaration of
6 candidacy under s. 8.16 (6), a candidate who is nominated under s. 8.16 (6) shall file
7 a written statement specifying the office that the candidate chooses. The candidate
8 shall file the written statement with the same person with whom he or she is required
9 to file a declaration of candidacy for the office. The filing officer shall place the
10 candidate's name on the ballot under the office chosen by the candidate in the written
11 statement and may not permit the candidate's name to appear on the ballot more
12 than once. The vacancy in nomination for the office that the candidate does not
13 choose may then be filled under s. 8.35.

14 **SECTION 5.** 8.15 (1m) of the statutes is created to read:

15 8.15 **(1m)** No nomination papers may be filed under this section for the office
16 of lieutenant governor.

17 **SECTION 6.** 8.15 (4) (b) of the statutes is amended to read:

18 8.15 **(4)** (b) Nomination papers shall be accompanied by a declaration of
19 candidacy under s. 8.21. If a candidate for state or local office has not filed a
20 registration statement under s. 11.05 at the time he or she files nomination papers,
21 the candidate shall file the statement with the papers. ~~A- Except as otherwise~~
22 provided in this paragraph, a candidate for state office shall also file a statement of
23 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.
24 on the 3rd day following the last day for filing nomination papers under sub. (1), or
25 no later than 4:30 p.m. on the next business day after the last day whenever that

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1 candidate is granted an extension of time for filing nomination papers under sub. (1).
2 A candidate for the office of lieutenant governor whose name is certified for
3 placement on the general election ballot by a candidate for the office of governor
4 under s. 8.16 (6) shall file a statement of economic interests no later than the time
5 provided under s. 8.16 (6) for filing a statement of economic interests.

6 SECTION 7. 8.15 (8) (intro.) of the statutes is repealed.

7 SECTION 8. 8.15 (8) (a) of the statutes is amended to read:

8 8.15 (8) (a) ~~For~~ Nomination papers required for state offices and the offices of
9 U.S. senator and representative in congress, shall be filed in the office of the board.

10 SECTION 9. 8.15 (8) (b) of the statutes is amended to read:

11 8.15 (8) (b) ~~For~~ Nomination papers required for county offices, shall be filed in
12 the office of the county clerk or board of election commissioners.

13 SECTION 10. 8.16 (1) of the statutes is amended to read:

14 8.16 (1) Except as provided in ~~sub. (2)~~ subs. (2) and (6), the person who receives
15 the greatest number of votes for an office on a party ballot at any partisan primary,
16 regardless of whether the person's name appears on the ballot, shall be the party's
17 candidate for the office, and the person's name shall so appear on the official ballot
18 at the next election. All independent candidates shall appear on the general election
19 ballot regardless of the number of votes received by such candidates at the
20 September primary.

21 SECTION 11. 8.16 (6) of the statutes is amended to read:

22 8.16 (6) ~~The persons who receive the greatest number of votes respectively for~~
23 ~~the offices of governor and lieutenant governor on any party ballot at a primary~~ No
24 later than 2 days after certification of the nomination of the candidate of each
25 recognized political party for the office of governor under s. 7.70 (3) (g), each

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1 candidate so nominated shall certify to the board in writing the name of a candidate
2 of the same party for the office of lieutenant governor and shall notify the candidate
3 for the office of lieutenant governor in writing of the certification. The candidate for
4 the office of lieutenant governor shall file a declaration of candidacy under s. 8.21 and
5 a statement of economic interests under s. 19.43 (4) no later than 3 days after receipt
6 of the notification. The candidate for the office of lieutenant governor shall file a
7 registration statement under s. 11.05 no later than 3 days after receipt of the
8 notification, unless the candidate has already filed a registration statement. The
9 candidate for the office of governor certified under s. 7.70 (3) (g) and the candidate
10 for the office of lieutenant governor certified under this subsection shall be the
11 party's joint candidates for the offices of governor and lieutenant governor, and their
12 names shall so appear on the official ballot at the next election.

13 SECTION 12. 8.21[✓] of the statutes is amended to read:

14 **8.21 Declaration of candidacy.** Each candidate, except a candidate for
15 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later
16 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15
17 (1), 8.20 (8) (a) or 8.50 (3) (a), ~~or~~ the time provided under s. 8.16 (2) or 8.35 (2) (c), or,
18 in the case of a candidate for the office of lieutenant governor whose name is certified
19 for placement on the general election ballot by a candidate for the office of governor
20 under s. 8.16 (6), the time provided under s. 8.16 (6) for filing a declaration of
21 candidacy. A candidate shall file the declaration with the officer or agency with
22 which nomination papers are filed for the office which the candidate seeks, or if
23 nomination papers are not required, with the clerk or board of election
24 commissioners of the jurisdiction in which the candidate seeks office. The
25 declaration shall be sworn to before any officer authorized to administer oaths. The

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1 declaration shall contain the name of the candidate in the form specified under s.
 2 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for
 3 candidates for partisan office, and shall state that the signer is a candidate for a
 4 named office, that he or she meets or will at the time he or she assumes office meet
 5 applicable age, citizenship, residency or voting qualification requirements, if any,
 6 prescribed by the constitutions and laws of the United States and of this state, and
 7 that he or she will otherwise qualify for office if nominated and elected. The
 8 declaration shall include the candidate's name in the form in which it will appear on
 9 the ballot. Each candidate for state and local office shall include in the declaration
 10 a statement that he or she has not been convicted of any ~~information~~ *misdemeanor designated under state or federal law as a violation of the public trust*
 11 he or she has not been pardoned ~~and a list of all felony convictions for which he or~~ *or*
 12 ~~she has not been pardoned.~~ *any* *felony* In addition, each candidate for state or local office shall
 13 include in the declaration a statement that discloses his or her municipality of
 14 residence for voting purposes, and the street and number, if any, on which the
 15 candidate resides. The declaration is valid with or without the seal of the officer who
 16 administers the oath. A candidate for state or local office shall file an amended
 17 declaration under oath with the same officer or agency if any information contained
 18 in the declaration changes at any time after the original declaration is filed and
 19 before the candidate assumes office or is defeated for election or nomination.

20 SECTION 13. 8.30 (2) of the statutes *, as affected by 2001 Wisconsin Act 109,* is amended to read:

21 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
 22 for state or local office in accordance with s. 11.05 (2g) ~~or (2)~~ *or (2g)* by the applicable
 23 deadline for filing nomination papers by ~~the~~ *the* candidate, ~~or by the deadline for filing~~
 24 a declaration of candidacy for an office for which nomination papers are not filed, or
 25 in the case of a candidate for the office of lieutenant governor whose name is certified

Handwritten initials and circled numbers 20, 22, 23.

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1 for placement on the general election ballot by a candidate for the office of governor
2 under s. 8.16 (6), by the deadline provided under s. 8.16 (6) for filing a registration
3 statement, the name of the candidate may not appear on the ballot. This subsection
4 may not be construed to exempt a candidate from applicable penalties if he or she
5 files a registration statement later than the time prescribed in ss. 11.01 (1) and 11.05
6 (2g).

7 SECTION 14. 8.35 (1) of the statutes is amended to read:

8 8.35 (1) Any Except as provided under s. 8.03 (2g), any person who files
9 nomination papers and qualifies to appear on the ballot may not decline nomination.
10 The name of that person shall appear upon the ballot except in case of death of the
11 person or in the case of a person who declines nomination under s. 8.03 (2g). A person
12 who is appointed to fill a vacancy in nomination or who is nominated by write-in
13 votes is deemed to decline nomination if he or she fails to file a declaration of
14 candidacy within the time prescribed under sub. (2) (c) or s. 8.16 (2).

15 SECTION 15. 8.35 (2) (a) of the statutes is amended to read:

16 8.35 (2) (a) If a vacancy occurs after nomination due to the death of a candidate
17 of a recognized political party for a partisan office or due to the declination of a
18 candidate of a recognized political party under s. 8.03 (2g), the vacancy may be filled
19 by the chairperson of the committee of the proper political party under s. 7.38, or the
20 personal campaign committee, if any, in the case of independent candidates. Similar
21 vacancies in nominations of candidates for nonpartisan local offices may be filled by
22 the candidate's personal campaign committee or, if the candidate had none, by the
23 body which governs the local governmental unit in which the deceased person was
24 a candidate for office. The chairperson, chief officer of the committee, or clerk of the
25 body making an appointment shall file a certificate of appointment with the official

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1 or agency with whom declarations of candidacy for the office are filed. For purposes
2 of this paragraph, the official or agency need not recognize members of a personal
3 campaign committee whose names were not filed under s. 11.05 prior to the death
4 of the candidate.

5 **SECTION 16.** 8.35 (2) (b) of the statutes is amended to read:

6 8.35 (2) (b) If a vacancy in nomination occurs due to the death of a candidate
7 or due to the declination of a candidate under s. 8.03 (2g), the officer or agency with
8 whom nomination papers are filed for the office shall promptly notify the
9 chairperson, committee or body, if any, that the vacancy may be filled within 4 days
10 of the date of the notice, as shown by the postmark if the notice is mailed. The
11 chairperson, committee or body may file a sworn certificate of nomination with the
12 official or agency within the 4-day period.

13 **SECTION 17.** 8.35 (4) (a) 1. (intro.) of the statutes is amended to read:

14 8.35 (4) (a) 1. (intro.) When a candidate is appointed under this section to fill
15 a vacancy ~~under this section~~ caused by the death of a candidate, the funds remaining
16 in the former candidate's depository after payment of the former candidate's lawful
17 campaign debts, if any, shall be:

18 **SECTION 18.** 8.35 (4) (b) of the statutes is amended to read:

19 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
20 received by a deceased candidate from the Wisconsin election campaign fund shall
21 be immediately transferred to any candidate who is appointed to replace such
22 candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is
23 no candidate appointed or if no proper application is filed within 7 days of the date
24 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
25 11.50 (8).

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

2 11.05 (3m) VACANCIES IN NOMINATION. Any personal campaign committee of an
3 independent candidate for partisan office or a candidate for nonpartisan county or
4 municipal office may file with its registration statement a list of the members of the
5 committee, in addition to those specified in sub. (3) (e) and (f), who shall be recognized
6 by the official or agency with whom the candidate's nomination papers are filed for
7 the purpose of filling a vacancy in nomination in the event of the candidate's death
8 that the candidate declines nomination under s. 8.03 (2g) or dies. The board shall
9 provide a place on the statement for such designations.

10 SECTION 20. 11.50 (1) (a) 1. ^{a.} of the statutes ^{as affected by 2001} is amended to read: ^{Wisconsin Act 109,}

11 (1) 1. ^{a.} With respect to a spring or general election, any individual who
12 is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state
13 superintendent, or an individual who receives at least 6% of the vote cast for all
14 candidates on all ballots for any state office, except district attorney, for which the
15 individual is a candidate at the September primary and who is certified under s. 7.08
16 (2) (a) as a candidate for that office in the general election, or an individual who has
17 been lawfully appointed and certified to replace either such individual on the ballot
18 at the spring or general election; and who has qualified for a grant under sub. (2).

19 For purposes of this ~~subdivision~~ ^{subd. 1. a.} a candidate for the office of lieutenant governor
20 whose name is certified for placement on the general election ballot by a candidate
21 for the office of governor under s. 8.16 (6) is considered to receive the same percentage
22 of the September primary vote as the candidate for the office of governor certifying
23 his or her name.

24 SECTION 21. 11.50 (2) (a) of the statutes is amended to read:

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→ FNS. 12KA ←

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) 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 and candidates for the office of lieutenant
 7 governor whose names are certified for placement on the general election ballot by
 8 a candidate for the office of governor under s. 8.16 (6). or no later than 4:30 p.m. on
 9 the 7th day after appointment in the case of candidates appointed to fill vacancies.
 10 The application shall contain a sworn statement that the candidate and his or her
 11 authorized agents have complied with the contribution limitations prescribed in s.
 12 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to
 13 which such limitations have applied to his or her candidacy and will continue to
 14 comply with the limitations at all times to which the limitations apply to his or her
 15 candidacy for the office in contest, unless the board determines that the candidate
 16 is not eligible to receive a grant, the candidate withdraws his or her application
 17 under par. (h), or par. (i) applies.

18 SECTION 22. 11.50 (2) (b) 4. of the statutes *as affected by 2001 Wisconsin Act 109,* is amended to read:

19 11.50 (2) (b) 4. The All financial reports filed by or on behalf of the candidate
 20 as of the date of the spring or September primary, or the date that the special primary
 21 is or would be held, if required, indicate that his or her ^{affidavit} ~~statement~~ filed ~~with the~~
 22 ~~application~~ under ~~par. (h)~~ ^{s. 11.31 (2m) (a)} is true; ~~and~~

23 SECTION 23. 11.50 (2) (b) 5. of the statutes *as affected by 2001 Wisconsin Act 109,* is amended to read:

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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SECTION 23

1 is or would be held, if required, indicate that the candidate has received at least the
 2 amount provided in this subdivision, from contributions of money, other than loans,
 3 made by individuals, which have been received during the period ending on the date
 4 of the spring primary and July 1 preceding such date in the case of candidates at the
 5 spring election, or the date of the September primary and January 1 preceding such
 6 date in the case of candidates at the general election, or the date that a special
 7 primary will or would be held, if required, and 90 days preceding such date or the
 8 date a special election is ordered, whichever is earlier, in the case of special election
 9 candidates, which contributions are in the aggregate amount of \$100 or less, and
 10 which are fully identified and itemized as to the exact source thereof. A contribution
 11 received from a conduit which is identified by the conduit as originating from an
 12 individual shall be considered a contribution made by the individual. Only the first
 13 \$100 of an aggregate contribution of more than \$100 may be counted toward the
 14 required percentage. For a candidate at the spring or general election for an office
 15 identified in s. 11.26 (1) (a) or (am) or a candidate at a special election, the required
 16 amount to qualify for a grant is 5% of the ^{applicable} authorized disbursement
 17 limitation ^{, as determined} under s. 11.31 ^{(6) and adjusted as provided under s. 11.31(9)}. For any other candidate at the general election, the
 18 required amount to qualify for a grant is ^{6%} ^{applicable} of the ^{candidate's} authorized
 19 disbursement ^{, as determined} limitation under s. 11.31 ^{(6) and adjusted as provided under s. 11.31(9)}. For the purposes of this subdivision, a
 20 candidate for the officer of lieutenant governor whose name is certified for placement
 21 on the general election ballot by a candidate for the office of governor under s. 8.16
 22 (6) is considered to receive the contributions required to qualify for a grant under this
 23 subdivision if the candidate for the office of lieutenant governor and the candidate
 24 for the office of governor certifying his or her name together have received
 25 contributions sufficient to qualify the candidate for the office of lieutenant governor

who reside in this state and, in the case of a candidate for legislative office, by individuals at least 45% of whom reside in a county having territory within the district in which the candidate seeks office

an amount equal to

at a special election
contributions

applicable
(6) and adjusted as provided under s. 11.31(9)

6%
applicable
(6) and adjusted as provided under s. 11.31(9)

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1 for a grant under this subdivision. Contributions required to qualify a candidate for
2 the office of governor for a grant under this subdivision shall not be included in
3 calculating the combined contributions for the candidate for the office of governor
4 and the candidate for the office of lieutenant governor under this subdivision. ; *and*

5 SECTION 24. 19.42 (4) of the statutes is amended to read:

6 19.42 (4) "Candidate for state public office" means any individual who files
7 nomination papers and a declaration of candidacy under s. 8.21 or who is nominated
8 at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election
9 as a state public official or, any individual who is nominated for the purpose of
10 appearing on the ballot for election as a state public official through the write-in
11 process or by appointment to fill a vacancy in nomination and who files a declaration
12 of candidacy under s. 8.21, or any individual whose name is certified for placement
13 on the general election ballot as a candidate for the office of lieutenant governor
14 under s. 8.16 (6) and who files a declaration of candidacy under s. 8.21.

15 SECTION 25. 19.43 (4) of the statutes is amended to read:

16 19.43 (4) A candidate for state public office shall file with the board a statement
17 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
18 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the
19 office which the candidate seeks, or no later than 4:30 p.m. on the next business day
20 after the last day whenever that candidate is granted an extension of time for filing
21 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15
22 (1) or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of
23 nomination is mailed or personally delivered to the candidate by the municipal clerk
24 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.
25 on the 3rd day after notification of nomination is mailed or personally delivered to

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1 the candidate by the appropriate official or agency in the case of a write-in candidate
 2 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a), or
 3 no later than the time provided under s. 8.16 (6) for filing a statement of economic
 4 interests in the case of a candidate for the office of lieutenant governor whose name
 5 is certified for placement on the general election ballot by a candidate for the office
 6 of governor under s. 8.16 (6). The information contained on the statement shall be
 7 current as of December 31 of the year preceding the filing deadline. Before certifying
 8 the name of any candidate for state public office under s. 7.08 (2) (a), the elections
 9 board, municipal clerk or board of election commissioners shall ascertain whether
 10 that candidate has complied with this subsection. If not, the elections board,
 11 municipal clerk or board of election commissioners may not certify the candidate's
 12 name for ballot placement.

(END)

#

(1)

13 *Section #. Effective date. This act takes effect
 on July 1, 2003, or on the day after publication,
 whichever is later. (end)*

Ins. 12KA

as affected by 2001 Wisconsin Act 109,

Section #. 11.50 (2) (a) of the statutes is amended to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m. on the 7th day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with the limitations at all times to which the limitations apply to his or her candidacy for the office in contest, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under par. (h), or par. (i) applies.

NOTE: Par. (a) is amended eff. 7-1-03 by 2001 Wis. Act 109 to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m.

on the 7th day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to

fill vacancies. The applicant shall provide, along with his or her application, an affidavit under s. 11.31 (2m)

(a). The application shall also contain a sworn statement that, except as authorized in s. 11.26 (9m), if the candidate is able to receive the full amount of the grant, except any grant provided under sub. (4) (bg) or (br), to which the candidate is entitled under sub. (9), the candidate and his or her agents will not accept any contribution made by a committee other than a political party committee during the campaign, and that, except as provided in s. 11.29 (9m) any contributions accepted by the candidate from such a committee will not exceed that amount which, when added to the amount of the grant received by the candidate under sub. (9), equals the percentage specified in s. 11.26 (9) (am) of the disbursement level specified in s. 11.31 (1) (a) to (d), (e), or (f), as adjusted

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placement on the general election ballot by a candidate for the office of Governor under s. 8.16 (b)

under s. 11.31 (9), for the office that the candidate seeks. In the statement, the candidate shall also swear that if any unauthorized contribution has been accepted, that the contribution has been or will be returned or donated as provided in par. (j), and the candidate and his or her agents will not accept any unauthorized contribution during the campaign.

History: ~~1977 c. 107, 272; 1979 c. 328; 1983 a. 5P; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109.~~

Emery, Lynn

From: Driedric, Michael
Sent: Tuesday, November 26, 2002 3:33 PM
To: LRB.Legal
Subject: Draft review: LRB-0553/1 Topic: Nomination of candidates for the office of lieutenant governor

It has been requested by <Driedric, Michael> that the following draft be jacketed for the SENATE:

Draft review: LRB-0553/1 Topic: Nomination of candidates for the office of lieutenant governor

1/6/03

Basford, Sarah

To: Sen. Roessler
Subject: LRB -0553/1 (attached)



03-0553/1

Sarah Basford
Program Assistant
State of Wisconsin
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