

2003 SENATE BILL 79

March 20, 2003 – Introduced by Senators CARPENTER and HANSEN, cosponsored by Representatives MILLER, McCORMICK, ZEPNICK and SINICKI. Referred to Committee on Education, Ethics and Elections.

1 **AN ACT** *to amend* 11.20 (4) and 11.21 (16); *to repeal and recreate* 11.21 (16)
2 of the statutes; and *to affect* 2001 Wisconsin Act 109, section 9115 (2y) (b);
3 **relating to:** filing of financial statements by candidates and personal
4 campaign committees.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, candidates for state or local office or their personal campaign committees, if any, must register and file campaign finance reports with the appropriate filing officer or agency. In addition to other reports, candidates or personal campaign committees are required to file semiannual continuing reports each January and July covering the preceding six-month period.

This bill requires each candidate or personal campaign committee filing a continuing report to attach a copy of the most recent statement as of the closing date for the continuing report provided by the financial institution where the campaign depository of the candidate or committee is located. Under the bill, the Elections Board prescribes the manner in which candidates or committees filing electronically shall file the statement.

SENATE BILL 79

Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than six months or both.

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

1 **SECTION 1.** 11.20 (4) of the statutes is amended to read:

2 11.20 **(4)** Continuing reports under s. 11.06 (1) by committees or individuals
3 supporting or opposing candidates for office, including committees of a political
4 party, and by individuals, groups or corporations supporting or opposing a
5 referendum shall be received by the appropriate filing officer no earlier than January
6 1 and no later than January 31; and no earlier than July 1 and no later than July 20.
7 Individuals, committees, groups and corporations to which s. 11.055 (1) applies shall
8 pay the fee imposed under that subsection with their continuing reports filed in
9 January of each year. Each candidate or personal campaign committee of a candidate
10 for state or local office shall attach to the candidate's or committee's continuing report
11 a copy of the most recent financial statement as of the closing date for the report
12 under sub. (8) (b) or (c) provided by the financial institution where the campaign
13 depository of the candidate or committee is located.

14 **SECTION 2.** 11.21 (16) of the statutes is amended to read:

15 11.21 **(16)** Require each registrant for whom the board serves as filing officer
16 and who or which accepts contributions in a total amount or value of \$20,000 or more
17 during a campaign period to file each campaign finance report that is required to be
18 filed under this chapter in an electronic format, and accept from any other registrant
19 for whom the board serves as a filing officer any campaign finance report that is
20 required to be filed under this chapter in an electronic format. The board shall

SENATE BILL 79

1 prescribe the manner in which copies of statements under s. 11.20 (4) shall be filed.

2 A registrant who or which becomes subject to a requirement to file reports in an
3 electronic format under this subsection shall initially file the registrant's report in
4 an electronic format for the period which includes the date on which the registrant
5 becomes subject to the requirement. To facilitate implementation of this subsection,
6 the board shall specify, by rule, a type of software that is suitable for compliance with
7 the electronic filing requirement under this subsection. The board shall provide
8 copies of the software to registrants at a price fixed by the board that may not exceed
9 cost. Each registrant who or which files a report under this subsection in an
10 electronic format shall also file a copy of the report with the board that is recorded
11 on a medium specified by the board. The copy shall be signed by an authorized
12 individual and filed with the board by each registrant no later than the time
13 prescribed for filing of the report under this chapter. The board shall provide
14 complete instructions to any registrant who or which files a report under this
15 subsection. In this subsection, the "campaign period" of a candidate, personal
16 campaign committee or support committee begins and ends with the "campaign" of
17 the candidate whose candidacy is supported, as defined in s. 11.26 (17), and the
18 "campaign period" of any other registrant begins on January 1 of each
19 odd-numbered year and ends on December 31 of the following year.

20 **SECTION 3.** 11.21 (16) of the statutes, as affected by 2001 Wisconsin Act 109,
21 is repealed and recreated to read:

22 11.21 (16) Require each registrant for whom the board serves as filing officer
23 and who or which accepts contributions in a total amount or value of \$20,000 or more
24 during a campaign period to file each campaign finance report that is required to be
25 filed under this chapter in an electronic format, and accept from any other registrant

SENATE BILL 79

1 for whom the board serves as a filing officer any campaign finance report that is
2 required to be filed under this chapter in an electronic format. The board shall
3 prescribe the manner in which copies of statements under s. 11.20 (4) shall be filed.
4 A registrant who or which becomes subject to a requirement to file reports in an
5 electronic format under this subsection shall initially file the registrant's report in
6 an electronic format for the period which includes the date on which the registrant
7 becomes subject to the requirement or, if the registrant is required to report
8 transactions within 24 hours of their occurrence, within 24 hours after the date on
9 which the registrant becomes subject to the requirement. To facilitate
10 implementation of this subsection, the board shall specify, by rule, a type of software
11 that is suitable for compliance with the electronic filing requirement under this
12 subsection. The board shall provide copies of the software to registrants at a price
13 fixed by the board that may not exceed cost. Each registrant who or which files a
14 report under this subsection in an electronic format shall also file a copy of the report
15 with the board that is recorded on a medium specified by the board. The copy shall
16 be signed by an authorized individual and filed with the board by each registrant no
17 later than the time prescribed for filing of the report under this chapter. If a
18 registrant is a committee, the copy shall be certified by an authorized individual and
19 filed with the board by the registrant no later than 24 hours after the occurrence of
20 any transaction that is reportable under s. 11.06 (1). If a registrant or other person
21 becomes subject to a requirement to report electronically under this subsection, the
22 registrant or other person shall continue to report electronically regardless of the
23 amount of contributions accepted or expenditures made by the registrant or other
24 person, until a termination report is filed. The board shall provide complete
25 instructions to any registrant who or which files a report under this subsection. In

SENATE BILL 79

1 this subsection, the “campaign period” of a candidate, personal campaign committee
2 or support committee begins and ends with the “campaign” of the candidate whose
3 candidacy is supported, as defined in s. 11.26 (17), and the “campaign period” of any
4 other registrant begins on January 1 of each odd-numbered year and ends on
5 December 31 of the following year. Section 990.001 (4) does not apply to the
6 computation of time permitted for compliance with the filing requirements under
7 this subsection.

8 **SECTION 4.** 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:

9 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section
10 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections
11 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the
12 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,
13 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),
14 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and
15 71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c),
16 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05
17 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),
18 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m)
19 (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3),
20 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b),
21 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
22 11.21 (15), ~~11.21 (16)~~, 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.),
23 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10),
24 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31
25 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a),

SENATE BILL 79

1 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2)
2 (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60
3 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08
4 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05
5 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m),
6 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m),
7 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6)
8 (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24
9 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m),
10 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26
11 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.),
12 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j),
13 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g)
14 and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59
15 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04
16 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244
17 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment
18 of those provisions by this act is void.

19 **SECTION 5. Nonstatutory provisions.**

20 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
21 the repeal and recreation of section 11.21 (16) of the statutes, as affected by this act,
22 or any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b), as
23 affected by this act, is unconstitutional, the repeal and recreation of section 11.21 (16)
24 of the statutes by this act is void.

25 **SECTION 6. Initial applicability.**

SENATE BILL 79

1 (1) This act first applies with respect to the first continuing report under section
2 11.20 (4) of the statutes that becomes due on or after the effective date of this
3 subsection.

4 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
5 except as follows:

6 (1) The repeal and recreation of section 11.21 (16) of the statutes takes effect
7 on July 1, 2003, or on the day after publication, whichever is later.

8 (END)