

2005 DRAFTING REQUEST

Bill

Received: 02/24/2005

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Rob Richard**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **mshovers**

Subject: **Elections - campaign finance
Tax, Individual - income**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Freese@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Campaign finance changes

Instructions:

Per SB-46.

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>
/?	jkuesel 02/24/2005	jdye 02/24/2005		_____			
/1			jfrantze 02/24/2005	_____	Inorthro 02/24/2005	sbasford 02/24/2005	

FE Sent For:

↳ Not Needed

<END>

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DRAFT

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1? / 1	jkuesel 2/24/05	2/24/05	Jg	Sub 2/24			

FE Sent For:

<END>

Kuesel, Jeffery

To: Richard, Rob
Subject: RE: SB-46

Rob,

I will enter this request for you.

Jeff Kuesel

-----Original Message-----

From: Richard, Rob
Sent: Wednesday, February 23, 2005 4:11 PM
To: Kuesel, Jeffery
Subject:

Jeff:

Please draft an Assembly version of '05 Senate Bill 46 for Freese. Thank you!

Rob

DNOTE

2005 - 2006 LEGISLATURE

Wanted for 2/25

LRB-1151/2
JTK&MES:ldrs

-2257/1

stays

2005 SENATE BILL 46

February 8, 2005 - Introduced by Senators ELLIS, RISSER, HARSDORF, SCHULTZ, A. LASEE, LASSA and COWLES, cosponsored by Representatives FREESE, KAUFERT, MUSSER, ZEPNICK and ALBERS. Referred to Committee on Campaign Finance Reform and Ethics.

Regen

1 AN ACT *to repeal* 11.01 (12s), 11.01 (12w), 11.01 (14), 11.01 (16) (a) 3., 11.01 (17g)
2 and (17r), 11.05 (2r), 11.05 (3) (o), 11.06 (1) (cm) and (dm), 11.06 (3r), 11.06 (3w),
3 11.06 (11) (bm), 11.20 (8) (am), 11.21 (17), 11.24 (1w), 11.26 (1m) and (1t), 11.26
4 (2) (ae), 11.26 (2) (as), 11.26 (2) (av), 11.26 (2m) and (2t), 11.26 (8n) and (8r),
5 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.265, 11.31 (2m), 11.385, 11.50 (1) (a)
6 2., 11.50 (2) (b) 6., 11.50 (2) (i), 11.50 (2) (j), 11.60 (3r), 71.07 (6s) and 71.10 (4)
7 (gw); *to renumber* 11.24 (2); *to amend* 5.05 (1) (e), 11.05 (12) (title), 11.29 (1),
8 11.30 (4) and 11.50 (13); *to repeal and recreate* 5.02 (13), 5.05 (2), 7.08 (2) (c)
9 and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m), 11.01
10 (4m), 11.01 (13), 11.05 (1), 11.05 (2), 11.05 (3) (c), 11.05 (3) (m), 11.05 (3) (r), 11.05
11 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06
12 (1) (e), 11.06 (2), 11.06 (2m) (title) and (a), 11.06 (2m) (b) to (d), 11.06 (3) (b)
13 (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07
14 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.12

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1 (8) and (9), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20
2 (2), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),
3 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.24 (4), 11.26 (1)
4 (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (2) (am), 11.26 (3), 11.26 (4), 11.26
5 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26
6 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (de), 11.31 (1) (e) and (f),
7 11.31 (2), 11.31 (3), 11.31 (3p), 11.31 (9), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b),
8 11.50 (1) (a) 1., 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50
9 (2) (a), 11.50 (2) (b) 3., 11.50 (2) (b) 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f),
10 11.50 (2) (g), 11.50 (2) (h), 11.50 (2s), 11.50 (2w), 11.50 (3), 11.50 (4), 11.50 (5),
11 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.50
12 (14), 11.60 (4), 11.61 (1) (a), 25.42, 71.10 (3) and 806.04 (11m); **to create** 7.08
13 (2) (cs), 11.01 (14m), 11.01 (16) (c), 11.05 (5r), 11.065, 11.12 (2m), 11.26 (2) (ad),
14 11.26 (2) (au), 11.26 (8m), 11.31 (3r), 11.50 (1) (e), 11.50 (2) (bm), 11.50 (4e), 11.50
15 (10), 11.60 (3s), (3t) and (3u), 71.07 (6n) and 71.10 (4) (ds) of the statutes; and
16 **to affect** 2001 Wisconsin Act 109, section 9115 (2v), (2w) and (2x), 2001
17 Wisconsin Act 109, section 9115 (2y), 2001 Wisconsin Act 109, section 9132 (4v),
18 2001 Wisconsin Act 109, section 9215 (3v), 2001 Wisconsin Act 109, section 9244
19 (6v), 2001 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin Act
20 109, section 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx); **relating**
21 **to:** campaign financing, designations for the Wisconsin election campaign fund
22 by individuals filing state income tax returns, creating a nonrefundable
23 individual income tax credit for contributions to the Public Integrity
24 Endowment, candidate time on public broadcasting television stations and
25 public access channels, statewide voter registration, staffing of the Elections

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- 1 Board, providing exemptions from emergency rule procedures, granting
2 rule-making authority, and providing penalties.

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 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. Included in the changes were an authorization for the Elections Board to use a portion of the moneys in the Wisconsin election campaign fund (see below) to provide public information regarding the purpose and effect of the fund. Most changes made by Act 109 took 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. In *Wisconsin Realtors Association et al. v. Ponto et al.*, 299 F.Supp.2d 889 (2002), the U.S. District Court 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. This decision 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.

This bill deletes all of the changes described above made by Act 109, including the changes not affected by the nonseverability provision, but not including the changes concerning public information relating to the Wisconsin election campaign fund, and also makes other changes to campaign finance and income tax and the staffing of the Elections Board. Unlike Act 109, the bill does not affect the code of ethics for state and local public officials. The following is a description of the changes made by the bill to the statutes in effect before July 1, 2003, and, in each case, a notation as to whether the change was contained in Act 109:

FILING OF CAMPAIGN FINANCE REPORTS***Exemptions from registration and reporting***

Currently, with certain limited exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year 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 reporting is required under current reporting requirements for, and no registration is required solely on account of, the making of

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an expenditure, other than by a candidate or personal campaign, candidate support, or political party committee, for a mass communication which does not expressly advocate the election, defeat, recall, or retention of a clearly identified candidate or a particular result in a referendum. The bill, however, establishes new reporting requirements for persons making expenditures for certain mass communications (see below).

The bill also provides that no individual who or organization which is subject to a registration requirement may make any contribution prior to the date of registration. In addition, the bill 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.

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 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.

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, other than contributions made by a candidate to his or her own campaign, exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make

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disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations independently of any candidate with respect to an election for local office, the bill permits the 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 \$100 cumulatively within a calendar year.

The above changes were included in Act 109.

Mass communications

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

With certain exceptions, this bill imposes reporting requirements, in addition, upon any individual who or organization that, during the period beginning on the 30th day before a primary election for an office to be filled at a general, special, or spring election and the date of that general, special, or spring election or, if no primary is held, during a similar 60-day period preceding a general, special, or spring election and by means of a printed advertisement, commercial billboard, radio or television advertisement, mass mailing, telephone call, or similar means, makes any expenditure independently of a candidate for the purpose of making one or more communications which include the name, photograph, or drawing of, or an unambiguous reference to, a candidate for a state office other than court of appeals judge, circuit judge, or district attorney to be filled at that election. This requirement applies to expenditures to finance what is commonly referred to as "issue advocacy" and to certain independent disbursements by individuals other than candidates and organizations that are not primarily organized for a political purpose that are exempt from reporting under current law. The reporting requirement does not apply unless the individual or organization makes one or more expenditures for these communications exceeding \$500 cumulatively with respect to an election. In addition, the reporting requirement does not apply to bona fide news or editorial coverage, or to a communication made by a corporation, cooperative, or nonpolitical voluntary association that is limited to the organization's members, shareholders, or subscribers.

The report required under the bill must be made within 24 hours after the date on which a communication is made (regardless of whether it has been paid for at that time) and must include the name, address, and telephone number of the individual or organization that makes the expenditure or expenditures, the name of each candidate identified in each communication, a statement as to whether the communication is intended to support or oppose that candidate (and, if so, an identification of the candidate who is supported or opposed), the total amount or value of the expenditure used to fund the communication, and the cumulative total expenditures made by the individual or organization with respect to that election. The bill permits the board to obtain a copy of any reported communication, under

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certain circumstances, in order to determine whether the communication was intended to support or oppose a candidate. Any such determination applies for purposes of granting exemptions from disbursement limits (see below) and to potentially enable an opposing candidate to qualify for a matching grant from the Wisconsin election campaign fund (see below).

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 grant from the Wisconsin election campaign fund (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 90 percent 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 reports must be filed no later than 24 hours after the date on which each disbursement is made, and must specify the amount of the disbursement. The reports must be filed during the period beginning with the date on which a disbursement is made or the 7th day after the applicable primary election or the date on which a primary would be held, if required, whichever is later, and ending with date of the election at which the candidate seeks office.

The bill also creates additional reporting requirements applicable to special interest committees, other than conduits, that make disbursements 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 during the period beginning on the 30th day before a primary election for an office to be filled at a general, special, or spring election and the date of that general, special, or spring election or, if no primary is held, during a similar 60-day period preceding a general, special, or spring election. These additional reporting requirements do not apply to communications that are made by

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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, special interest committees must file these additional reports within 24 hours after a reportable transaction occurs. The reports must include the name of each candidate who is supported or opposed by each disbursement and the total amount of disbursements made for such a purpose in support of or opposition to that candidate on the date on which the disbursement is made and the cumulative total of such disbursements made by the committee with respect to that election.

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 limitation applicable to the office which the candidate seeks may receive a grant equal to 45 percent of that disbursement limitation, less contributions accepted by the candidate from committees other than political party and legislative campaign committees, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify.

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

This bill does the following:

1. It revises the current disbursement levels applicable to candidates for the offices shown below as follows:

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<i>Office</i>	<i>Current Level</i>	<i>Proposed Level</i>
Governor	\$1,078,200	\$4,000,000
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	150,000
Representative to the assembly	17,250	75,000

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

2. It creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2006, 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.

3. It provides that the current provision requiring reports of cumulative independent disbursements exceeding \$20 made later than 15 days prior to a primary or election does not apply to a committee or individual that is required to file a special report concerning the same disbursement (see above), nor to a committee or individual that is subject to an electronic filing requirement (see above).

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

4. 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). Under the bill, the disbursement limitation of the candidate accepting the grant is increased by a total amount equal to: 1) the amount or value of disbursements made by an opponent in excess of the disbursement limitation; 2) the amount or value of independent disbursements made to expressly advocate the defeat of the candidate or the election of his or her opponents by special interest committees during election campaign periods, as reported to the Elections Board; and 3) the amount or value of expenditures made by individuals or organizations for mass communications in opposition to the candidate or in support of his or her opponent during election campaign periods, as reported to the Elections Board.

Act 109 made similar but not identical changes.

5. 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.

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6. It repeals the exemption from disbursement and self-contribution 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.

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 \$600,000.

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 percent of the disbursement level or limitation for the office that the candidate seeks. In addition, the contributions received by a candidate for state or local office from all committees other than political party or legislative campaign committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 45 percent of the disbursement level or limitation for the office that the candidate seeks. This bill provides that the contributions received by a candidate for state or local office from all committees other than political party committees, when combined with any nonsupplemental grant received from the Wisconsin election campaign fund, may not exceed 35 percent of the disbursement level or limitation for the office that the candidate seeks. Under the bill, a candidate who qualifies to receive a supplemental grant from the Wisconsin election campaign fund (see below) may exceed aggregate committee contribution limitations by the amount of the supplemental grant.

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

Under current law, a candidate who accepts a grant from the Wisconsin election campaign fund may not make contributions to his or her own campaign in an amount or value greater than 200 percent of the contribution limitation that applies to individuals making contributions to his or her campaign. Under the bill, if a candidate's disbursement limitation is increased as a result of disbursements made by an opposing candidate or independent disbursements or expenditures for mass communications made by others, this self-contribution limitation is increased by an amount equal to the ratio that the contribution limitation otherwise applicable to the candidate bears to the disbursement limitation otherwise applicable to the candidate, multiplied by the amount of the increased disbursement limitation authorized under the bill for that candidate.

TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES

Currently, the adherents of any political party in either house of the legislature may organize a "legislative campaign committee" to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

This bill eliminates the special status of legislative campaign committees, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations.

This change was included in Act 109.

OTHER CONTRIBUTION RESTRICTIONS

This bill creates the following new prohibitions on contributions:

1. It prohibits contributions to incumbent partisan state officials for the purpose of promoting their nomination or reelection to their offices during the period from the date of introduction of the executive budget bill through the date of enactment of the biennial budget act. The prohibition does not apply to contributions made to an incumbent who is subject to a recall election beginning on the date on which a petitioner registers an intent to circulate a petition for a recall election against the incumbent and ending on the date of the recall election, except that if the circulation period expires without offering of the recall petition for filing, the filing officer determines not to file the petition, or the incumbent resigns, the period ends on the date of that event.

Act 109 included a similar but not identical provision.

2. It prohibits any committee from making a contribution to any special interest committee. The prohibition does not apply to any contribution made by a committee to another committee if the contribution is made between statewide committees of labor organizations or trade associations and their affiliated local committees.

Act 109 contained a similar but not identical provision.

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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.

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, which is distributed to all candidates representing that party who qualify for a grant.

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

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2. It directs the executive director of the Elections Board to take steps to incorporate a nonstock, nonprofit corporation to be known as the "Public Integrity Endowment." The bill directs the executive director to ensure that the foundation is structured so that contributions made to the foundation will be tax deductible to the extent allowed by law. Under the bill, the sole purpose of the endowment is to solicit contributions for the purpose of supplementing the assets of the Wisconsin election campaign fund and transferring those contributions, after deduction of solicitation costs, to the general account of the fund. Currently, any person may make an unrestricted donation to the Wisconsin election campaign fund. The donation is tax deductible to the extent allowed by law. However, the fund does not solicit contributions.

Act 109 did not include this change.

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 six percent 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 six percent of the vote; or b) receive at least six percent 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 five percent 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 ten percent 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 six percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is that amount which, when added to all other contributions accepted from

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sources other than individuals, political party committees, and legislative campaign committees, is equal to 45 percent 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 five percent 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, at least 50 percent of those contributions must be made by individuals who reside in the district in which the candidate seeks office, except that a candidate may substitute contributions received from political party committees for not more than 50 percent of the contributions required to be received from residents of the district.

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

2. It provides that the maximum grant that a candidate for state office may receive is that amount which, when added to all other contributions accepted by the candidate from committees other than political party committees, is equal to 35 percent of the disbursement limitation for the office that the candidate seeks, if there is sufficient money in the Wisconsin election campaign fund to finance that grant, unless the candidate qualifies to receive a supplemental grant (see below).

Act 109 included other changes to maximum grant amounts.

3. It provides that a candidate who accepts a grant shall receive a supplemental grant in a maximum 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; and b) the total amount of any independent disbursements in close proximity to the election that are made by special interest committees to oppose that candidate, or to support that candidate's opponent, together with the total amount of any expenditures made independently of any candidate in close proximity to the election for the purpose of making certain mass communications to oppose the candidate who accepts a grant or to support that candidate's opponent, if that total amount exceeds ten percent of the disbursement limitation for the office that the candidate seeks, except that the total supplemental grant received by a candidate may not exceed an amount equal to three times the disbursement limitation for the office that the candidate seeks. Supplemental grants are contingent upon availability of moneys in the Wisconsin election campaign fund sufficient to make payment of the grants.

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

4. It requires the state treasurer to electronically transmit supplemental grants to qualifying candidates who so request as soon as possible after the candidates qualify to receive the supplemental grants, but in no case later than the end of the 3rd business day after the Elections Board notifies the treasurer that a candidate has qualified to receive a grant.

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, whoever intentionally violates certain provisions of the campaign finance law, such as registration requirements, contribution limitations, the prohibition against making contributions in the name of another person, the prohibition against using contributions for most nonpolitical purposes, and the prohibition against filing false reports and statements may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation does not exceed \$100 in amount or value, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both, if the violation exceeds \$100 in amount or value.

This bill provides that if any person, including a candidate or committee other than a conduit, makes a disbursement, or makes any other expenditure for the purpose of making certain mass media communications (see above) 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 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 person, including any of these candidates or committees, makes one or more disbursements or other expenditures for such a purpose in an amount that is more or less than the amount reported by that person:

1. By more than five percent but not more than ten percent, the person must forfeit four times the amount of the difference.
2. By more than ten percent but not more than 15 percent, the person must forfeit six times the amount of the difference.
3. By more than 15 percent, the person must forfeit eight times the amount of the difference.

Act 109 did not include this change.

SENATE BILL 46**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 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.

INDIVIDUAL INCOME TAX CREDIT

This bill creates a nonrefundable individual income tax credit for contributions to the Public Integrity Endowment. Under the bill, an individual may claim as an income tax credit, up to the amount of the individual's income tax liability, any amount that he or she contributes to the Public Integrity Endowment. If a married couple files a joint return, each spouse may claim the credit.

INITIAL APPLICABILITY

All campaign finance changes under the bill apply to elections held on or after January 1, 2006, except that the directive to incorporate a Public Integrity Endowment and the creation of an individual income tax credit for contributions to the endowment takes effect on the day on which the bill becomes law and changes to the income tax checkoff apply to taxable years beginning on January 1 of the year in which the bill becomes law, if the bill becomes law by July 31, in any year, or otherwise to taxable years beginning on January 1 of the following year.

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 certain expenditures for mass communications; b) parts relating to the provision of supplemental grants to candidates whose opponents exceed disbursement limitations or who are opposed or whose opponents are supported by any reportable expenditures for mass communications or independent disbursements, including those that are reportable under current law; c) parts relating to the reporting such

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expenditures or disbursements; 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; and e) parts relating to prohibiting contributions from being made by committees to special interest committees.

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).

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

10 **5.05 (1) (e)** Delegate to its executive director the authority to issue a subpoena
11 under par. (b), apply for a search warrant under par. (b), commence an action under
12 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.
13 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),
14 exempt a municipality from the requirement to use voting machines or an electronic
15 voting system under s. 5.40 (5m), approve an electronic data recording system for
16 maintaining poll lists under s. 6.79, ~~or~~ authorize nonappointment of an individual
17 who is nominated to serve as an election official under s. 7.30 (4) (e), or make a
18 determination under s. 11.065 (3), subject to such limitations as the board deems
19 appropriate.

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1 **SECTION 3.** 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 4.** 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, electronically transmit to the state treasurer a certified list of all eligible
16 candidates for state office who have filed applications under s. 11.50 (2) and who the
17 board determines are eligible to receive payments from the Wisconsin election
18 campaign fund. The board shall also electronically transmit a similar list of
19 candidates who the board determines are eligible to receive a grant under s. 11.50
20 (9) (ba) or (bb) within 24 hours after any candidate qualifies to receive such a grant.
21 Each list shall contain each candidate's name, the mailing address indicated upon
22 the candidate's registration form, the office for which the individual is a candidate
23 and the party or 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, electronically transmit to the state treasurer

SENATE BILL 46**SECTION 4**

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

12 **SECTION 5.** 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 6.** 8.30 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is
25 repealed and recreated to read:

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

8 **SECTION 7.** 8.35 (4) (a) 1. a. and b. of the statutes, as affected by 2001 Wisconsin
9 Act 109, are repealed and recreated to read:

10 8.35 (4) (a) 1. a. If the former candidate was a partisan candidate, donated to
11 the former candidate's local or state political party, donated to a charitable
12 organization, or transferred to the board for deposit in the Wisconsin election
13 campaign fund, as instructed by the former candidate or, if the candidate left no
14 instruction, by the former candidate's next of kin; or

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

19 **SECTION 8.** 8.35 (4) (c) and (d) of the statutes, as affected by 2001 Wisconsin Act
20 109, are repealed and recreated to read:

21 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
22 made and reported to the appropriate filing officer by the former candidate's
23 campaign treasurer. If the former candidate is deceased and was serving as his or
24 her own campaign treasurer, the former candidate's petitioner or personal
25 representative shall make the transfer and file the report. The report shall be made

SENATE BILL 46**SECTION 8**

1 at the appropriate interval under s. 11.20 (2) or (4) and shall include a complete
2 statement of all contributions, disbursements, and incurred obligations pursuant to
3 s. 11.06 (1) covering the period from the day after the last date covered on the former
4 candidate's most recent report to the date of disposition.

5 (d) The newly appointed candidate shall file his or her report at the next
6 appropriate interval under s. 11.20 (2) or (4) after his or her appointment. The
7 appointed candidate shall include any transferred moneys in his or her first report.

8 **SECTION 9.** 11.001 (2m) of the statutes, as created by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

10 11.001 (2m) The legislature finds a compelling justification for minimal
11 disclosure of all communications made near the time of an election that include a
12 reference to a clearly identified candidate at that election in order to permit
13 increased funding for candidates who are affected by those communications. This
14 minimal disclosure burden is outweighed by the need to establish an effective
15 funding mechanism for affected candidates to effectively respond to communications
16 that may impact an election.

17 **SECTION 10.** 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.01 (4m) "Communication" means a message, other than a message
20 exclusively between a corporation, cooperative, or voluntary association and its
21 members, share holders, and subscribers, that is transmitted by means of a printed
22 advertisement, billboard, handbill, sample ballot, radio or television advertisement,
23 telephone call, or mass mailing, or any medium that may be utilized for the purpose
24 of disseminating or broadcasting a message, but not including a poll conducted solely

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1 for the purpose of identifying or collecting data concerning the attitudes or
2 preferences of electors.

3 **SECTION 11.** 11.01 (12s) of the statutes is repealed.

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

6 **SECTION 13.** 11.01 (13) of the statutes, as created by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.01 (13) “Mass mailing” means the distribution of 50 or more pieces of
9 substantially identical material.

10 **SECTION 14.** 11.01 (14) of the statutes, as created by 2001 Wisconsin Act 109,
11 is repealed.

12 **SECTION 15.** 11.01 (14m) of the statutes is created to read:

13 11.01 (14m) “Noncandidate election expenditure” means an expenditure made
14 for the purpose of making a communication that is made during the period beginning
15 on the 30th day preceding a primary election for an office to be filled at a general,
16 special, or spring election and the date of that general, special, or spring election or,
17 if no primary is held, during the period beginning on the 60th day preceding a
18 general, special, or spring election at which an office is filled and the date of that
19 election; that contains a reference to a clearly identified candidate for an office
20 specified in s. 11.31 (1) (a) to (de), (e), or (f) to be filled at that election; that is made
21 without cooperation or consultation with such a candidate, or any authorized
22 committee or agent of such a candidate; and that is not made in concert with, or at
23 the request or suggestion of, such a candidate, or any authorized committee or agent
24 of such a candidate.

SENATE BILL 46**SECTION 16**

1 **SECTION 16.** 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act
2 109, is repealed.

3 **SECTION 17.** 11.01 (16) (c) of the statutes is created to read:

4 11.01 **(16)** (c) Except with respect to an act of a candidate or personal campaign,
5 support, or political party committee, an act for “political purposes” does not include
6 the making of an expenditure, including a noncandidate election expenditure under
7 s. 11.065, for a communication which does not expressly advocate the election, defeat,
8 recall, or retention of a clearly identified candidate or a particular result at a
9 referendum.

10 **SECTION 18.** 11.01 (17g) and (17r) of the statutes, as created by 2001 Wisconsin
11 Act 109, are repealed.

12 **SECTION 19.** 11.05 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
13 is repealed and recreated to read:

14 11.05 **(1)** COMMITTEES AND GROUPS. (a) Except as provided in s. 9.10 (2) (d), every
15 committee, other than a personal campaign committee, that makes or accepts
16 contributions, incurs obligations, or makes disbursements in a calendar year in an
17 aggregate amount in excess of \$25 shall file a statement with the appropriate filing
18 officer giving the information required by sub. (3). In the case of any committee other
19 than a personal campaign committee, the statement shall be filed by the treasurer.
20 A personal campaign committee shall register under sub. (2g).

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

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1 **SECTION 20.** 11.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.05 (2) INDIVIDUALS. (a) Except as provided in s. 9.10 (2) (d), every individual,
4 other than a candidate or agent of a candidate, who accepts contributions, incurs
5 obligations, or makes disbursements with respect to one or more elections for state
6 or local office in a calendar year in an aggregate amount in excess of \$25 shall file
7 a statement with the appropriate filing officer giving the information required by
8 sub. (3). An individual who guarantees a loan on which an individual, committee or
9 group subject to a registration requirement defaults is not subject to registration
10 under this subsection solely as a result of such default.

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

15 **SECTION 21.** 11.05 (2r) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed.

17 **SECTION 22.** 11.05 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.05 (3) (c) In the case of a committee, a statement as to whether the
20 committee is a personal campaign committee, a political party committee, a support
21 committee, or a special interest committee.

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

SENATE BILL 46**SECTION 23**

1 11.05 (3) (m) In the case of a personal campaign committee, the name of the
2 candidate on whose behalf the committee was formed or intends to operate and the
3 office or offices that the candidate seeks.

4 **SECTION 24.** 11.05 (3) (o) of the statutes is repealed.

5 **SECTION 25.** 11.05 (3) (r) of the statutes, as created by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

7 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
8 candidate, the telephone number or numbers and a facsimile transmission number
9 or electronic mail address, if any, at which the candidate may be contacted.

10 **SECTION 26.** 11.05 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

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

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1 subsection indicating that all information contained in the statement is true, correct
2 and complete.

3 **SECTION 27.** 11.05 (5r) of the statutes is created to read:

4 11.05 (5r) CONTRIBUTION PRIOR TO REGISTRATION PROHIBITED. (a) Except as
5 provided in sub. (13), no person, committee, or group subject to a registration
6 requirement may make any contribution prior to the date of registration under this
7 section.

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

11 **SECTION 28.** 11.05 (9) (title) of the statutes, as affected by 2001 Wisconsin Act
12 109, is repealed and recreated to read:

13 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

14 **SECTION 29.** 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 11.05 (9) (b) An individual who or a committee or group which receives a
17 contribution of money and transfers the contribution to another individual,
18 committee, or group while acting as a conduit is not subject to registration under this
19 section unless the individual, committee, or group transfers the contribution to a
20 candidate or a personal campaign, political party, or support committee.

21 **SECTION 30.** 11.05 (12) (title) of the statutes is amended to read:

22 11.05 (12) (title) TIME OF REGISTRATION; ACCEPTANCE OF UNLAWFUL CONTRIBUTIONS.

23 **SECTION 31.** 11.05 (12) (b) of the statutes, as affected by 2001 Wisconsin Act
24 109, is repealed and recreated to read:

SENATE BILL 46**SECTION 31**

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

10 **SECTION 32.** 11.05 (13) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

12 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee,
13 or group does not violate this section by accepting a contribution and making a
14 disbursement in the amount required to rent a postal box, or in the minimum amount
15 required by a bank or trust company to open a checking account, prior to the time of
16 registration, if the disbursement is properly reported on the first report submitted
17 under s. 11.20 or 11.21 (16) after the date that the individual, committee, or group
18 is registered, whenever a reporting requirement applies to the registrant.

19 **SECTION 33.** 11.06 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), (2m),
22 and (3m) and s. 11.19 (2), each registrant under s. 11.05 shall make full reports, upon
23 a form prescribed by the board and signed by the appropriate individual under sub.
24 (5), of all contributions received, contributions or disbursements made, and
25 obligations incurred. Each report shall contain the following information, covering

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1 the period since the last date covered on the previous report, unless otherwise
2 provided:

3 **SECTION 34.** 11.06 (1) (cm) and (dm) of the statutes, as created by 2001
4 Wisconsin Act 109, are repealed.

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

7 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
8 source donated to a charitable organization or to the common school fund, with the
9 full name and mailing address of the donee, and a statement of contributions over
10 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

11 **SECTION 36.** 11.06 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
14 sub. (1), if a disbursement is made or obligation incurred by an individual other than
15 a candidate or by a committee or group which is not primarily organized for political
16 purposes, the disbursement does not constitute a contribution to any candidate or
17 other individual, committee, or group, and the disbursement is not a noncandidate
18 election expenditure that is reportable under s. 11.065, the disbursement or
19 obligation is required to be reported only if the purpose is to expressly advocate the
20 election or defeat of a clearly identified candidate or the adoption or rejection of a
21 referendum. The exemption provided by this subsection shall in no case be construed
22 to apply to a political party, personal campaign, or support committee.

23 **SECTION 37.** 11.06 (2m) (title) and (a) of the statutes, as affected by 2001
24 Wisconsin Act 109, are repealed and recreated to read:

SENATE BILL 46**SECTION 37**

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 sub.
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 38.** 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 sub. (7) and who or which accepts contributions, makes disbursements,

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1 or incurs obligations for the purpose of supporting or opposing one or more
2 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 sub. (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

SENATE BILL 46**SECTION 38**

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 39.** 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 40.** 11.06 (3r) of the statutes is repealed.

19 **SECTION 41.** 11.06 (3w) of the statutes is repealed.

20 **SECTION 42.** 11.06 (4) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
21 is repealed and recreated to read:

22 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a
23 contribution must be reported as received and accepted on the date received. This
24 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. 11.12 (6) (c) or (8).

3 **SECTION 43.** 11.06 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a
6 group or committee shall make a good faith effort to obtain all required information.
7 The first report shall commence no later than the date that the first contribution is
8 received and accepted or the first disbursement is made. Each report shall be filed
9 with the appropriate filing officer on the dates designated in s. 11.20 and, if the
10 registrant files reports under s. 11.12 (6) (c) or (8), at the times specified in s. 11.12
11 (6) (c) or (8). The individual or the treasurer of the group or committee shall certify
12 to the correctness of each report. In the case of a candidate, the candidate or
13 treasurer shall certify to the correctness of each report. If a treasurer is unavailable,
14 any person designated as a custodian under s. 11.05 (3) (e) may certify to the
15 correctness of a report.

16 **SECTION 44.** 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

SENATE BILL 46**SECTION 44**

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 45.** 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 46.** 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 47.** 11.06 (11) (bm) of the statutes, as created by 2001 Wisconsin Act
24 109, is repealed.

25 **SECTION 48.** 11.065 of the statutes is created to read:

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1 **11.065 Noncandidate election expenditures.** (1) (a) If any person makes
2 one or more communications to be financed with any noncandidate election
3 expenditure or expenditures, other than disbursements, exceeding \$500 in the
4 aggregate with respect to an election, that person shall file a report with the board
5 on a form prescribed by the board for this purpose. The report shall be made
6 whenever the person makes one or more communications financed or to be financed
7 with any noncandidate election expenditures exceeding \$500 in the aggregate that
8 are not identified in a previous report under this subsection. A person who is subject
9 to a reporting requirement under this subsection shall file the report required under
10 this subsection within 24 hours after the date on which each communication financed
11 with any noncandidate election expenditure not identified in a previous report is
12 made.

13 (b) If a person makes a single noncandidate election expenditure for the
14 purpose of financing communications that are to be made on more than one day, the
15 person may report the entire expenditure under par. (a) for the day on which the
16 person makes the first communication financed by the expenditure, or the person
17 may report for each day on which the person makes one or more communications
18 financed by the expenditure the proportionate amount of the expenditure
19 attributable to the cost of the communication or communications made on that day.

20 **(2)** Each report filed under sub. (1) shall contain the following information:

21 (a) The name, address, and telephone number of the person who makes any
22 noncandidate election expenditure.

23 (b) The name of each candidate who is identified in each communication
24 financed by a noncandidate election expenditure.

SENATE BILL 46**SECTION 48**

1 (c) A statement as to whether the communication is intended to support or
2 oppose any candidate who is identified under par. (b) and if so, the name of that
3 candidate.

4 (d) The total amount or value of the noncandidate election expenditure and the
5 cumulative total noncandidate election expenditures made by the person with
6 respect to that election.

7 **(3)** If a person who makes a noncandidate election expenditure does not
8 indicate whether the expenditure is made against a candidate or for an eligible
9 candidate's opponent or if the report under sub. (2) reasonably appears to be
10 incorrect, the board may obtain a copy of the communication and, after examination,
11 determine whether the communication was intended to support or oppose a
12 candidate for purposes of ss. 11.31 (3r) and 11.50 (9) (bb). Any determination made
13 by the board under this subsection applies solely for the purpose of administration
14 of ss. 11.31 (3r) and 11.50 (9) (bb).

15 **SECTION 49.** 11.07 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.07 **(1)** Every nonresident committee or group making contributions and
18 every nonresident individual, committee, or group making disbursements exceeding
19 the amount specified in s. 11.05 (1) or (2) in a calendar year within this state shall
20 file the name, mailing and street address and the name and the mailing and street
21 address of a designated agent within the state with the office of the secretary of state.
22 An agent may be any adult individual who is a resident of this state. After any
23 change in the name or address of such agent the new address or name of the successor
24 agent shall be filed within 30 days. Service of process in any proceeding under this

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1 chapter or ch. 12, or service of any other notice or demand may be made upon such
2 agent.

3 **SECTION 50.** 11.07 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

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

11 **SECTION 51.** 11.09 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.09 (3) Each registrant whose filing officer is the board, who or which makes
14 disbursements in connection with elections for offices which serve or referenda
15 which affect only one county or portion thereof, except a candidate, personal
16 campaign committee, political party committee, or other committee making
17 disbursements in support of or in opposition to a candidate for state senator,
18 representative to the assembly, court of appeals judge, or circuit judge, shall file a
19 duplicate original of each financial report filed with the board with the county clerk
20 or board of election commissioners of the county in which the elections in which the
21 registrant participates are held. Such reports shall be filed no later than the dates
22 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
23 subsection does not apply to a registrant who or which files a report under s. 11.21
24 (16).

SENATE BILL 46**SECTION 52**

1 **SECTION 52.** 11.10 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

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

19 **SECTION 53.** 11.12 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
22 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
23 expended. The contribution shall be donated to the common school fund or to any
24 charitable organization or transferred to the board for deposit in the Wisconsin
25 election campaign fund, at the option of the treasurer.

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1 **SECTION 54.** 11.12 (2m) of the statutes is created to read:

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

10 **SECTION 55.** 11.12 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

12 11.12 **(4)** Each registrant shall report contributions, disbursements, and
13 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
14 under s. 11.12 (6) (c) or (8), in accordance with s. 11.12 (6) (c) or (8). Except as
15 permitted under s. 11.06 (2) and (3m), each report shall contain the information
16 which is required under s. 11.06 (1).

17 **SECTION 56.** 11.12 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.12 **(5)** If any contribution or contributions of \$500 or more cumulatively are
20 received by a candidate for state office or by a committee or individual from a single
21 contributor later than 15 days prior to a primary or election such that they are not
22 included in the preprimary or preelection report submitted under s. 11.20 (3), the
23 treasurer of the committee or the individual receiving the contribution shall, within
24 24 hours of receipt, inform the appropriate filing officer of the information required
25 under s. 11.06 (1) in such manner as the board may prescribe. The information shall

SENATE BILL 46**SECTION 56**

1 also be included in the treasurer's or individual's next regular report. For purposes
2 of the reporting requirement under this subsection, only contributions received
3 during the period beginning with the day after the last date covered on the
4 preprimary or preelection report, and ending with the day before the primary or
5 election need be reported.

6 **SECTION 57.** 11.12 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.12 (6) (a) If an individual or committee makes a disbursement of more than
9 \$20 cumulatively to advocate the election or defeat of a clearly identified candidate
10 later than 15 days prior to a primary or election in which the candidate's name
11 appears on the ballot without cooperation or consultation with a candidate or agent
12 or authorized committee of a candidate who is supported or whose opponent is
13 opposed, and not in concert with or at the request or suggestion of such a candidate,
14 agent or committee, the individual or treasurer of the committee shall, within 24
15 hours after making the disbursement, inform the appropriate filing officer of the
16 information required under s. 11.06 (1) in such manner as the board may prescribe.
17 For purposes of this paragraph, disbursements cumulate beginning with the day
18 after the last date covered on the preprimary or preelection report and ending with
19 the day before the primary or election. Upon receipt of a report under this paragraph,
20 the filing officer shall, within 24 hours of receipt, mail a copy of the report to all
21 candidates for any office in support of or opposition to one of whom a disbursement
22 identified in the report is made. A committee that files a report pertaining to a
23 disbursement under par. (c) is not required to file a report pertaining to the same
24 disbursement under this paragraph.

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1 (c) 1. If any committee identified under s. 11.05 (3) (c) as a special interest
2 committee, other than a conduit, makes any disbursement during the period
3 beginning on the 30th day preceding a primary election for an office to be filled at a
4 general, special, or spring election and the date of that general, special or spring
5 election or, if no primary is held, during the period beginning on the 60th day
6 preceding a general, special, or spring election at which an office is filled and the date
7 of that election for the purpose of advocating the election or defeat of a clearly
8 identified candidate for a state office specified in s. 11.31 (1) (a) to (de), (e), or (f) at
9 the general or a special election, or any such candidate who seeks a nomination for
10 such an office at a primary election, without cooperation or consultation with a
11 candidate or agent or authorized committee of a candidate who is supported or
12 opposed, and not in concert with or at the request or suggestion of such a candidate,
13 agent, or committee, the committee shall report to the board within 24 hours after
14 the date on which each disbursement not identified in a previous report is made, in
15 such manner as the board may prescribe, the name of each candidate who is
16 supported or opposed and the total amount of disbursements made for such a purpose
17 in support of or opposition to that candidate on that date and the cumulative total
18 of such disbursements made by that committee with respect to that election.

19 2. A committee which files a report under this paragraph concerning a
20 disbursement is not required to file a report pertaining to the same disbursement
21 under par. (a).

22 3. If a person makes a single disbursement for the purpose of financing a
23 activity that is to occur on more than one day, the committee may report the entire
24 disbursement under subd. 1. for the day on which the committee first engages in the
25 activity that is financed by the disbursement, or the committee may report for each

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1 day on which the person engages in any activity that is financed by the disbursement
2 the proportionate amount of the disbursement attributable to the cost of the activity
3 that occurs on that day.

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

6 **SECTION 58.** 11.12 (8) and (9) of the statutes, as created by 2001 Wisconsin Act
7 109, are repealed and recreated to read:

8 11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
9 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
10 candidate has accumulated cash in his or her campaign depository account or has
11 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
12 a combined total of 90 percent of the amount specified in s. 11.31 (1) (a) to (de), (e),
13 or (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks, that
14 candidate or the candidate's personal campaign committee shall file daily reports
15 with the board and with each candidate whose name is certified to appear on the
16 ballot for the office in connection with which the disbursement is made, by electronic
17 mail or facsimile transmission, on each day beginning with that date or the 7th day
18 after the primary election or the date that a primary would be held, if required,
19 whichever is later, and ending on the date of the election at which the candidate seeks
20 office. Each report shall be filed no later than 24 hours after the date on which
21 disbursement not identified in a previous report is made. Each report shall specify
22 the amount of each disbursement. The reported information shall also be included
23 in the next regular report of the candidate or committee under s. 11.20.

24 (9) Whenever a report is required to be filed with a candidate by electronic mail
25 or facsimile transmission under this section, the report shall be filed at the address

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1 or number of the candidate or personal campaign committee as shown on the
2 registration statement of the candidate or committee. If no electronic mail address
3 or facsimile transmission number is shown, the report shall be filed at the mailing
4 address shown on the statement.

5 **SECTION 59.** 11.14 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

7 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own
8 campaign treasurer and who is authorized to make and makes an indication on his
9 or her registration statement under s. 11.06 (2m) that he or she will not accept
10 contributions, make disbursements, or incur obligations in an aggregate amount
11 exceeding \$1,000 in a calendar year, and will not accept any contribution or
12 contributions from a single source, other than contributions made by the candidate
13 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single
14 personal account as his or her campaign depository account, and may intermingle
15 personal and other funds with campaign funds. If a separate depository account is
16 later established by the candidate, the candidate shall transfer all campaign funds
17 in the personal account to the new depository account. Disbursements made from
18 such personal account need not be identified in accordance with s. 11.16 (3).

19 **SECTION 60.** 11.16 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 11.16 (2) **LIMITATION ON CASH CONTRIBUTIONS.** Every contribution of money
22 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
23 credit card receipt bearing on the face the name of the remitter. No treasurer may
24 accept a contribution made in violation of this subsection. The treasurer shall
25 promptly return the contribution, donate the contribution to the common school fund

SENATE BILL 46**SECTION 60**

1 or to a charitable organization, or transfer the contribution to the board for deposit
2 in the Wisconsin election campaign fund in the event that the donor cannot be
3 identified.

4 **SECTION 61.** 11.16 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
5 is repealed and recreated to read:

6 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee or political
7 party committee may, pursuant to a written escrow agreement with more than one
8 candidate, solicit contributions for and conduct a joint fund raising effort or program
9 on behalf of more than one named candidate. The agreement shall specify the
10 percentage of the proceeds to be distributed to each candidate by the committee
11 conducting the effort or program. The committee shall include this information in
12 all solicitations for the effort or program. All contributions received and
13 disbursements made by the committee in connection with the effort or program shall
14 be received and disbursed through a separate depository account under s. 11.14 (1)
15 that is identified in the agreement. For purposes of s. 11.06 (1), the committee
16 conducting the effort or program shall prepare a schedule in the form prescribed by
17 the board supplying all required information under s. 11.06 (1) and items qualifying
18 for exclusion under s. 11.31 (6) for the effort or program, and shall transmit a copy
19 of the schedule to each candidate who receives any of the proceeds within the period
20 prescribed in s. 11.06 (4) (c).

21 **SECTION 62.** 11.19 (title) of the statutes is repealed and recreated to read:

22 **11.19 (title) Carry-over of surplus funds; dissolution of registrants;**
23 **termination reports.**

24 **SECTION 63.** 11.19 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
25 is repealed and recreated to read:

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1 11.19 (1) Whenever any registrant disbands or determines that obligations will
2 no longer be incurred, and contributions will no longer be received nor disbursements
3 made during a calendar year, and the registrant has no outstanding incurred
4 obligations, the registrant shall file a termination report with the appropriate filing
5 officer. Such report shall indicate a cash balance on hand of zero at the end of the
6 reporting period and shall indicate the disposition of residual funds. Residual funds
7 may be used for any political purpose not prohibited by law, returned to the donors
8 in an amount not exceeding the original contribution, transferred to the board for
9 deposit in the Wisconsin election campaign fund, or donated to a charitable
10 organization or the common school fund. The report shall be filed and certified as
11 were previous reports, and shall contain the information required by s. 11.06 (1). A
12 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
13 subsection with a termination report filed under this subsection. If a termination
14 report or suspension report under sub. (2) is not filed, the registrant shall continue
15 to file periodic reports with the appropriate filing officer, no later than the dates
16 specified in s. 11.20 and, if the registrant files reports under s. 11.12 (6) (c) or (8), no
17 later than the times specified in s. 11.12 (6) (c) or (8). This subsection does not apply
18 to any registrant making an indication under s. 11.06 (2m).

19 **SECTION 64.** 11.20 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 11.20 (1) All reports required by s. 11.06 which relate to activities which
22 promote or oppose candidates for state office or statewide referenda and all reports
23 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
24 relate to activities which promote or oppose candidates for local office or local
25 referenda shall be filed with the appropriate filing officer under s. 11.02, except

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1 reports filed under s. 11.08. Each registrant shall file the reports required by this
2 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
3 electronically the same information that is reportable under this section, the
4 registrant shall, in addition, file the reports required by this section recorded on a
5 medium specified by the board.

6 **SECTION 65.** 11.20 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.20 (2) Preprimary and preelection reports under s. 11.06 (1) shall be
9 received by the appropriate filing officer no earlier than 14 days and no later than
10 8 days preceding the primary and the election.

11 **SECTION 66.** 11.20 (7) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.20 (7) Except as otherwise required under s. 11.12 (6) (c) or (8), in the event
14 that any report is required to be filed under this chapter on a nonbusiness day, it may
15 be filed on the next business day thereafter.

16 **SECTION 67.** 11.20 (8) (intro.) of the statutes, as affected by 2001 Wisconsin Act
17 109, is repealed and recreated to read:

18 11.20 (8) (intro.) Reports filed under subs. (2), (4), and (4m) shall include all
19 contributions received and transactions made as of the end of:

20 **SECTION 68.** 11.20 (8) (a) of the statutes, as affected by 2001 Wisconsin Act 109,
21 is repealed and recreated to read:

22 11.20 (8) (a) The 15th day preceding the primary or election in the case of the
23 preprimary and preelection report.

24 **SECTION 69.** 11.20 (8) (am) of the statutes, as created by 2001 Wisconsin Act
25 109, is repealed.

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1 **SECTION 70.** 11.20 (9) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

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

6 **SECTION 71.** 11.20 (10) (a) of the statutes, as affected by 2001 Wisconsin Act
7 109, is repealed and recreated to read:

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

15 **SECTION 72.** 11.20 (12) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
18 to file the reports required by this chapter does not cease. Except as provided in ss.
19 11.06 (2m) and 11.19 (2), a registrant who makes or receives no contributions, makes
20 no disbursements or incurs no obligations shall so report on the dates designated in
21 subs. (2) and (4).

22 **SECTION 73.** 11.21 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
25 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and

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

12 **SECTION 74.** 11.21 (15) of the statutes, as affected by 2001 Wisconsin Act 109,
13 is repealed and recreated to read:

14 11.21 (15) Inform each candidate who files an application to become eligible to
15 receive a grant from the Wisconsin election campaign fund of the dollar amount of
16 the applicable disbursement limitation under s. 11.31 (1), adjusted as provided under
17 s. 11.31 (9), which applies to the office for which such person is a candidate. Failure
18 to receive the notice required by this subsection does not constitute a defense to a
19 violation of s. 11.27 (1) or 11.31.

20 **SECTION 75.** 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 and each person who is required to file reports with the
25 board under s. 11.065 and who makes noncandidate election expenditures in a total

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1 amount or value at \$20,000 or more with respect to an election to file each campaign
2 finance report that is required to be filed under this chapter in an electronic format,
3 and accept from any other registrant for whom the board serves as a filing officer and
4 any other person who is required to file reports with the board under s. 11.065 any
5 campaign finance report that is required to be filed under this chapter in an
6 electronic format. A registrant or other person who or which becomes subject to a
7 requirement to file reports in an electronic format under this subsection shall
8 initially file a report in an electronic format for the period which includes the date
9 on which the registrant or other person becomes subject to the requirement or, if the
10 registrant or other person is required to report transactions within 24 hours of their
11 occurrence, within 24 hours after the date on which the registrant or other person
12 becomes subject to the requirement. To facilitate implementation of this subsection,
13 the board shall specify, by rule, a type of software that is suitable for compliance with
14 the electronic filing requirement under this subsection. The board shall provide
15 copies of the software to registrants and other persons at a price fixed by the board
16 that may not exceed cost. Each registrant or other person who or which files a report
17 under this subsection in an electronic format shall also file a copy of the report with
18 the board that is recorded on a medium specified by the board. The copy shall be
19 signed by an authorized individual and filed with the board by each registrant or
20 other person no later than the time prescribed for filing of the report under this
21 chapter. If a registrant is a committee or other organization, the copy shall be
22 certified by an authorized individual. The board shall provide complete instructions
23 to any registrant or other person who or which files a report under this subsection.
24 In this subsection, the "campaign period" of a candidate, personal campaign
25 committee or support committee begins and ends with the "campaign" of the

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

6 **SECTION 76.** 11.21 (17) of the statutes, as created by 2001 Wisconsin Act 109,
7 is repealed.

8 **SECTION 77.** 11.22 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

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

22 **SECTION 78.** 11.23 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.23 (1) Any group or individual may promote or oppose a particular vote at
25 any referendum in this state. Before making disbursements, receiving

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1 contributions, or incurring obligations in excess of \$100 in the aggregate in a
2 calendar year for such purposes, the group or individual shall file a registration
3 statement under s. 11.05 (1) or (2). In the case of a group the name and mailing
4 address of each of its officers shall be given in the statement. Every group and every
5 individual under this section shall designate a campaign depository account under
6 s. 11.14. Every group shall appoint a treasurer, who may delegate authority but is
7 jointly responsible for the actions of his or her authorized designee for purposes of
8 civil liability under this chapter. The appropriate filing officer shall be notified by
9 a group of any change in its treasurer within 10 days of the change under s. 11.05 (5).
10 The treasurer of a group shall certify the correctness of each statement or report
11 submitted by it under this chapter.

12 **SECTION 79.** 11.23 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
13 is repealed and recreated to read:

14 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
15 or group treasurer may not be used or expended. The contribution shall be donated
16 to the common school fund or to any charitable organization or transferred to the
17 board for deposit in the Wisconsin election campaign fund, at the option of the
18 treasurer.

19 **SECTION 80.** 11.24 (1w) of the statutes, as created by 2001 Wisconsin Act 109,
20 is repealed.

21 **SECTION 81.** 11.24 (2) of the statutes is renumbered 11.24 (5).

22 **SECTION 82.** 11.24 (4) of the statutes, as created by 2001 Wisconsin Act 109, is
23 repealed and recreated to read:

24 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
25 elective official or to the personal campaign committee or support committee

SENATE BILL 46**SECTION 82**

1 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
2 official's nomination or reelection to the office held by the official during the period
3 beginning on the date of introduction of the executive budget bill under s. 16.47 (1m)
4 and ending on the date of enactment of the biennial budget act.

5 (b) If in any year there is more than one executive budget bill, par. (a) applies
6 beginning on the date of introduction of the first such bill and ending on the date of
7 enactment of the last such bill.

8 (c) Notwithstanding par. (a), a person may make a contribution to an
9 incumbent partisan state elective official against whom a recall petition is circulated
10 during the period beginning on the date that a petitioner registers an intent to
11 circulate a petition under s. 9.10 (2) (d) and ending on the date of the recall election,
12 except that if the circulation period expires without offering of the recall petition for
13 filing, the filing officer determines not to file the petition, or the official resigns at an
14 earlier date under s. 9.10 (3) (c), the period ends on the date of that event.

15 **SECTION 83.** 11.26 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
16 109, is repealed and recreated to read:

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

22 **SECTION 84.** 11.26 (1m) and (1t) of the statutes, as created by 2001 Wisconsin
23 Act 109, are repealed.

24 **SECTION 85.** 11.26 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act
25 109, is repealed and recreated to read:

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1 11.26 (2) (intro.) No committee, other than a political party committee, may
2 make any contribution or contributions to a candidate for election or nomination to
3 any of the following offices and to any individual or committee under s. 11.06 (7)
4 acting solely in support of such a candidate or solely in opposition to the candidate's
5 opponent to the extent of more than a total of the amounts specified per candidate:

6 **SECTION 86.** 11.26 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.26 (2) (a) Candidates for governor, \$45,000.

9 **SECTION 87.** 11.26 (2) (ad) of the statutes is created to read:

10 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

11 **SECTION 88.** 11.26 (2) (ae) of the statutes, as created by 2001 Wisconsin Act 109,
12 is repealed.

13 **SECTION 89.** 11.26 (2) (am) of the statutes, as created by 2001 Wisconsin Act
14 109, is repealed and recreated to read:

15 11.26 (2) (am) Candidates for attorney general, \$25,000.

16 **SECTION 90.** 11.26 (2) (as) of the statutes, as created by 2001 Wisconsin Act 109,
17 is repealed.

18 **SECTION 91.** 11.26 (2) (au) of the statutes is created to read:

19 11.26 (2) (au) Candidates for secretary of state, state treasurer, state
20 superintendent, or justice, \$10,000.

21 **SECTION 92.** 11.26 (2) (av) of the statutes, as created by 2001 Wisconsin Act 109,
22 is repealed.

23 **SECTION 93.** 11.26 (2m) and (2t) of the statutes, as created by 2001 Wisconsin
24 Act 109, are repealed.