

2005 Assembly Bill 428

Date of enactment: **March 22, 2006**

Date of publication*: **April 5, 2006**

2005 WISCONSIN ACT 177

AN ACT *to repeal* 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (title) and (a), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (8) and (9), 11.20 (2s) and (2t), 11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m) and (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n) and (8r), 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 1. b., 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2s), 11.50 (2w), 11.50 (14), 11.60 (3r), 71.07 (6s), 71.10 (4) (gw) and 806.04 (11m); *to renumber* 11.24 (5) and 11.50 (1) (a) 1. a.; *to repeal and recreate* 5.02 (13), 5.05 (2), 7.08 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (3) (c), 11.05 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (1) (a) 2., 11.50 (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), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (4), 11.50 (5), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a), 25.42, 71.08 (1) (intro.) and 71.10 (3); *to create* 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3) and 11.50 (10) of the statutes; and *to affect* 2001 Wisconsin Act 109, section 9115 (2v) and (2x), 2001 Wisconsin Act 109, section 9115 (2y), 2001 Wisconsin Act 109, section 9132 (4v), 2001 Wisconsin Act 109, section 9215 (3v), 2001 Wisconsin Act 109, section 9244 (6v), 2001 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin Act 109, section 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx); **relating to:** deletion of changes to campaign finance and related laws made by 2001 Wisconsin Act 109.

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

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

5.02 (13) “Political party” or “party” means a state committee registered under s. 11.05 organized exclusively for political purposes under whose name candidates appear on a ballot at any election, and all county, congressional, legislative, local and other affiliated committees authorized to operate under the same name. For

* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

purposes of ch. 11, the term does not include a legislative campaign committee or a committee filing an oath under s. 11.06 (7).

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

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

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

7.08 (2) (c) As soon as possible after the canvass of the spring and September primary votes, but no later than the first Tuesday in March and the 4th Tuesday in September, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive payments from the Wisconsin election campaign fund. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.

(cm) As soon as possible after the canvass of a special primary, or the date that the primary would be held, if required, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive a grant from the Wisconsin election campaign fund prior to the election. The board shall also transmit a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive a grant under s. 11.50 (1) (a) 2. after the special election. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.

SECTION 4. 8.30 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

8.30 (2) If no registration statement has been filed by or on behalf of a candidate for state or local office in accordance with s. 11.05 (2g) or (2r) by the applicable deadline for filing nomination papers by such candidate, or the deadline for filing a declaration of candidacy for an office for which nomination papers are not filed, the

name of the candidate may not appear on the ballot. This subsection may not be construed to exempt a candidate from applicable penalties if he or she files a registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

SECTION 5. 8.35 (4) (a) 1. a. and b. of the statutes, as affected by 2001 Wisconsin Act 109, are repealed and recreated to read:

8.35 (4) (a) 1. a. Donated to the former candidate's local or state political party if the former candidate was a partisan candidate or donated to the charitable organization of the former candidate's choice or the charitable organization chosen by the former candidate's next of kin if the former candidate is deceased, or if no choice is made returned to the donors on a proportional basis; or

b. If the former candidate was a nonpartisan candidate, donated to the charitable organization of the former candidate's choice or the charitable organization chosen by the former candidate's next of kin if the former candidate is deceased; or

SECTION 6. 8.35 (4) (c) and (d) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed and recreated to read:

8.35 (4) (c) The transfer shall be reported to the appropriate filing officer in a special report submitted by the former candidate's campaign treasurer. If the former candidate is deceased and was serving as his or her own campaign treasurer, the former candidate's petitioner or personal representative shall file the report and make the transfer required by par. (b), if any. The report shall include a complete statement of all contributions, disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period from the day after the last date covered on the former candidate's most recent report to the date of disposition.

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

SECTION 7. 11.001 (2m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 8. 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 9. 11.01 (12s) of the statutes is created to read:

11.01 (12s) "Legislative campaign committee" means a committee which does not file an oath under s. 11.06 (7) organized in either house of the legislature to support candidates of a political party for legislative office.

SECTION 10. 11.01 (12w), (13) and (14) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 11. 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

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

11.05 (1) COMMITTEES AND GROUPS. Except as provided in s. 9.10 (2) (d), every committee other than a personal campaign committee, and every political group subject to registration under s. 11.23 which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a statement with the appropriate filing officer giving the information required by sub. (3). In the case of any committee other than a personal campaign committee, the statement shall be filed by the treasurer. A personal campaign committee shall register under sub. (2g) or (2r).

SECTION 13. 11.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 14. 11.05 (2r) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.05 (2r) GENERAL REPORTING EXEMPTIONS. Any person, committee or group, other than a committee or individual required to file an oath under s. 11.06 (7), who or which does not anticipate accepting contributions, making disbursements or incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year and does not anticipate accepting any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in that year may indicate on its registration statement that the person, committee or group will not accept contributions, incur obligations or make disbursements in the aggregate in excess of \$1,000 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in such year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation, or the date that aggregate contributions, disburse-

ments or obligations for the calendar year exceed \$1,000, or the date on which the registrant accepts any contribution or contributions exceeding \$100 from a single source, other than contributions made by a candidate to his or her own campaign, during that year, whichever is earlier. If the revocation is not timely, the registrant violates s. 11.27 (1).

SECTION 15. 11.05 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 16. 11.05 (3) (m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 17. 11.05 (3) (o) of the statutes is created to read:

11.05 (3) (o) In the case of a legislative campaign committee, a statement signed by the leader of the party in the house for which the committee is established attesting to the fact that the committee is the only authorized legislative campaign committee for that party in that house.

SECTION 18. 11.05 (3) (r) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 19. 11.05 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

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

11.05 (9) (title) CONDUITS.

SECTION 21. 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 22. 11.05 (12) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.05 (12) (b) Except as authorized under sub. (13), a committee, group or individual other than a candidate or agent of a candidate shall comply with sub. (1) or (2) no later than the 5th business day commencing after receipt of the first contribution by such committee, group or individual, and before making any disbursement. No committee, group or individual, other than a candidate or agent of a candidate, may accept any contribution or contributions exceeding \$25 in the aggregate during a calendar year at any time when the committee, group or individual is not registered under this section except within the initial 5-day period authorized by this paragraph.

SECTION 23. 11.05 (13) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 24. 11.06 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.06 (1) **CONTENTS OF REPORT.** (intro.) Except as provided in subs. (2), (3) and (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full reports, upon a form prescribed by the board and signed by the appropriate individual under sub. (5), of all contributions received, contributions or disbursements made, and obligations incurred. Each report shall contain the following information, covering the period since the last date covered on the previous report, unless otherwise provided:

SECTION 25. 11.06 (1) (cm) and (dm) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 26. 11.06 (1) (e) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.06 (1) (e) An itemized statement of contributions over \$20 from a single source donated to a charitable organization or to the common school fund, with the full name and mailing address of the donee.

SECTION 27. 11.06 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 28. 11.06 (2m) (title) and (a) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed.

SECTION 29. 11.06 (2m) (b) to (d) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 30. 11.06 (3) (b) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.06 (3) (b) (intro.) Notwithstanding sub. (1), a non-resident registrant shall report on a form prescribed by the board the applicable information under sub. (1) concerning:

SECTION 31. 11.06 (4) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a contribution must be reported as received and accepted on the date received. This subsection applies notwithstanding the fact that the contribution is not deposited in the campaign depository account by the closing date for the reporting period as provided in s. 11.20 (8).

SECTION 32. 11.06 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.06 (5) **REPORT MUST BE COMPLETE.** A registered individual or treasurer of a group or committee shall make a good faith effort to obtain all required information. The first report shall commence no later than the date that the first contribution is received and accepted or the first disbursement is made. Each report shall be filed

with the appropriate filing officer on the dates designated in s. 11.20. The individual or the treasurer of the group or committee shall certify to the correctness of each report. In the case of a candidate, the candidate or treasurer shall certify to the correctness of each report. If a treasurer is unavailable, any person designated as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

SECTION 33. 11.06 (7m) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political party committee or legislative campaign committee supporting candidates of a political party files an oath under sub. (7) affirming that it does not act in cooperation or consultation with any candidate who is nominated to appear on the party ballot of the party at a general or special election, that the committee does not act in concert with, or at the request or suggestion of, such a candidate, that the committee does not act in cooperation or consultation with such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, and that the committee does not act in concert with, or at the request or suggestion of, such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, the committee filing the oath may not make any contributions in support of any candidate of the party at the general or special election or in opposition to any such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as authorized in par. (c).

SECTION 34. 11.06 (7m) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 35. 11.06 (7m) (c) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 36. 11.06 (11) (bm) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 37. 11.07 (1) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.07 (1) Every nonresident committee or group making contributions and every nonresident individual, committee or group making disbursements exceeding \$25 cumulatively in a calendar year within this state shall file name, mailing and street address and the name and the mailing and street address of a designated agent within the state with the office of the secretary of state. An agent may be any adult individual who is a resident of this state. After any change in the name or address of such agent the new address or name of the successor agent shall be filed within 30 days. Service of process in any proceeding under this chapter or ch. 12, or service of any other notice or demand may be made upon such agent.

SECTION 38. 11.07 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 39. 11.09 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.09 (3) Each registrant whose filing officer is the board, who or which makes disbursements in connection with elections for offices which serve or referenda which affect only one county or portion thereof, except a candidate, personal campaign committee, political party committee or other committee making disbursements in support of or in opposition to a candidate for state senator, representative to the assembly, court of appeals judge or circuit judge, shall file a duplicate original of each financial report filed with the board with the county clerk or board of election commissioners of the county in which the elections in which the registrant participates are held. Such reports shall be filed no later than the dates specified under s. 11.20 (2) and (4) for the filing of each report with the board.

SECTION 40. 11.10 (1) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.10 (1) Each candidate in an election shall appoint one campaign treasurer. Except as provided in s. 11.14 (3), each candidate shall designate one campaign depository account within 5 business days after the candidate receives his or her first contribution and before the candidate makes or authorizes any disbursement in behalf of

his or her candidacy. If a candidate adopts a preexisting support committee as his or her personal campaign committee, the candidate shall make such designation within 5 business days of adoption. The person designated as campaign treasurer shall be the treasurer of the candidate's personal campaign committee, if any. The candidate may appoint himself or herself or any other elector as campaign treasurer. A registration statement under s. 11.05 (2g) or (2r) must be filed jointly by every candidate and his or her campaign treasurer. The candidate does not qualify for ballot placement until this requirement is met. Except as authorized under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the correctness of each report required to be filed, and the candidate bears the responsibility for the accuracy of each report for purposes of civil liability under this chapter, whether or not the candidate certifies it personally.

SECTION 41. 11.12 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign or committee treasurer or by an individual under s. 11.06 (7) may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization at the option of the treasurer.

SECTION 42. 11.12 (4) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.12 (4) Each registrant shall report contributions, disbursements and incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06 (2), (3) and (3m), each report shall contain the information which is required under s. 11.06 (1).

SECTION 43. 11.12 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.12 (5) If any contribution or contributions of \$500 or more cumulatively are received by a candidate for state office or by a committee or individual from a single contributor later than 15 days prior to a primary or election such that it is not included in the preprimary or pre-election report submitted under s. 11.20 (3), the treasurer of the committee or the individual receiving the contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the treasurer's or individual's next regular report. For purposes of the reporting requirement under this subsection, only contributions received during the period beginning with the day after the last date covered on the preprimary or pre-election report, and ending with the day before the primary or election need be reported.

SECTION 44. 11.12 (6) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.12 (6) If any disbursement of more than \$20 cumulatively is made to advocate the election or defeat of a clearly identified candidate by an individual or committee later than 15 days prior to a primary or election in which the candidate's name appears on the ballot without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, the individual or treasurer of the committee shall, within 24 hours of making the disbursement, inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the next regular report of the individual or committee under s. 11.20. For purposes of this subsection, disbursements cumulate beginning with the day after the last date covered on the preprimary or preelection report and ending with the day before the primary or election. Upon receipt of a report under this subsection, the filing officer shall, within 24 hours of receipt, mail a copy of the report to all candidates for any office in support of or opposition to one of whom a disbursement identified in the report is made.

SECTION 45. 11.12 (8) and (9) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed.

SECTION 46. 11.14 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own campaign treasurer and who is authorized to make and makes an indication on his or her registration statement under s. 11.05 (2r) that he or she will not accept contributions, make disbursements or incur obligations in an aggregate amount exceeding \$1,000 in a calendar year, and will not accept any contribution or contributions from a single source, other than contributions made by the candidate to his or her own campaign, exceeding \$100 in a calendar year, may designate a single personal account as his or her campaign depository account, and may intermingle personal and other funds with campaign funds. If a separate depository account is later established by the candidate, the candidate shall transfer all campaign funds in the personal account to the new depository account. Disbursements made from such personal account need not be identified in accordance with s. 11.16 (3).

SECTION 47. 11.16 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money exceeding \$50 shall be made by

negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. No treasurer may accept a contribution made in violation of this subsection. The treasurer shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

SECTION 48. 11.16 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 49. 11.19 (title) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.19 (title) Dissolution of registrants; termination reports.

SECTION 50. 11.19 (1) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.19 (1) Whenever any registrant disbands or determines that obligations will no longer be incurred, and contributions will no longer be received nor disbursements made during a calendar year, and the registrant has no outstanding incurred obligations, the registrant shall file a termination report with the appropriate filing officer. Such report shall indicate a cash balance on hand of zero at the end of the reporting period and shall indicate the disposition of residual funds. Residual funds may be used for any political purpose not prohibited by law, returned to the donors in an amount not exceeding the original contribution, or donated to a charitable organization or the common school fund. The report shall be filed and certified as were previous reports, and shall contain

the information required by s. 11.06 (1). A registrant to which s. 11.055 (1) applies shall pay the fee imposed under that subsection with a termination report filed under this subsection. If a termination report or suspension report under sub. (2) is not filed, the registrant shall continue to file periodic reports with the appropriate filing officer, no later than the dates specified in s. 11.20. This subsection does not apply to any registrant making an indication under s. 11.05 (2r).

SECTION 51. 11.20 (1) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 52. 11.20 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 53. 11.20 (2s) and (2t) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 54. 11.20 (3) (a) and (b) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed and recreated to read:

11.20 (3) (a) A candidate or personal campaign committee of a candidate at a primary shall file a preprimary and preelection report. If a candidate for a nonpartisan state office at an election is not required to participate in a primary, the candidate or personal campaign committee of the candidate shall file a preprimary report at the time prescribed in sub. (2) preceding the date specified in s. 5.02 (20) or (22) for the holding of the primary, were it to be required.

(b) A candidate or personal campaign committee of a candidate at an election shall file a preelection report.

SECTION 55. 11.20 (7) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.20 (7) In the event that any report is required to be filed under this section on a nonbusiness day, it may be filed on the next business day thereafter.

SECTION 56. 11.20 (8) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 57. 11.20 (8) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 58. 11.20 (8) (am) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 59. 11.20 (9) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.20 (9) Except as provided in ss. 11.05 (2r) and 11.19 (2), the duty to file reports under this section continues until a termination report is filed in accordance with s. 11.19.

SECTION 60. 11.20 (10) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 61. 11.20 (12) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.20 (12) If a candidate is unopposed in a primary or election, the obligation to file the reports required by this chapter does not cease. Except as provided in ss. 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes no disbursements or incurs no obligations shall so report on the dates designated in subs. (2) and (4).

SECTION 62. 11.21 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.21 (2) Furnish to each registrant prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not earlier than 21 days and not later than 14 days prior to the applicable filing deadline under s. 11.20, and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed the amount specified under s. 11.05 (2r) or to a registrant who has been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by the board to a registrant if the registrant is required to file reports with the board in an electronic format. Whenever any notice of filing requirements under this chapter is sent to a candidate's campaign treasurer,

the board shall also send a notice to the candidate if he or she has appointed a separate treasurer. Failure to receive any form or notice does not exempt a registrant from compliance with this chapter.

SECTION 63. 11.21 (15) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 64. 11.21 (16) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.21 (16) Require each registrant for whom the board serves as filing officer and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period to file each campaign finance report that is required to be filed under this chapter in an electronic format, and accept from any other registrant for whom the board serves as a filing officer any campaign finance report that is required to be filed under this chapter in an electronic format. A registrant who or which becomes subject to a requirement to file reports in an electronic format under this subsection shall initially file the registrant's report in an electronic format for the period which includes the date on which the registrant becomes subject to the requirement. To facilitate implementation of this subsection, the board shall specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement under this subsection. The board shall provide copies of the software to registrants at a price fixed by the board that may not exceed cost. Each registrant who or which files a report under this subsection in an electronic format shall also file a copy of the report with the board that is recorded on a medium specified by the board. The copy shall be signed by an authorized individual and filed with the board by each registrant no later than the time prescribed for filing of the report under this chapter. The board shall provide complete instructions to any registrant who or which files a report under this subsection. In this subsection, the "campaign period" of a candidate, personal campaign committee or support committee begins and ends with the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26 (17), and the "campaign period" of any other registrant begins on January 1 of each odd-numbered year and ends on December 31 of the following year.

SECTION 65. 11.22 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.22 (3) Furnish to each registrant prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not earlier than 21 days and not later than 14 days prior to the applicable filing deadline under s. 11.20 and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed the amount specified under s. 11.05 (2r) or to a registrant who has been granted a suspension under s. 11.19 (2). Whenever any notice of the filing requirements under this chapter is sent to a candidate's campaign treasurer, the filing officer shall also send a notice to the candidate if he or she has appointed a separate treasurer. Failure to receive any form or notice does not exempt a registrant from compliance with this chapter.

SECTION 66. 11.23 (1) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 67. 11.23 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.23 (2) Any anonymous contribution exceeding \$10 received by an individual or group treasurer may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization at the option of the treasurer.

SECTION 68. 11.24 (1w) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 69. 11.24 (4) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 70. 11.24 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is renumbered 11.24 (2).

SECTION 71. 11.26 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 72. 11.26 (1m) and (1t) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 73. 11.26 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 74. 11.26 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent or justice, 4 percent of the value of the disbursement level specified in the schedule under s. 11.31 (1).

SECTION 75. 11.26 (2) (ae), (am), (as) and (av) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 76. 11.26 (2m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 77. 11.26 (2t) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 78. 11.26 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (3) The contribution limitations of subs. (1) and (2) apply cumulatively to the entire primary and election campaign in which a candidate participates, whether or not there is a contested primary election. The total limitation may be apportioned in any manner desired between the primary and election. All moneys cumulate regardless of the time of contribution.

SECTION 79. 11.26 (4) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (4) No individual may make any contribution or contributions to all candidates for state and local offices and to any individuals who or committees which are subject to a registration requirement under s. 11.05, including legislative campaign committees and committees of a political party, to the extent of more than a total of \$10,000 in any calendar year.

SECTION 80. 11.26 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (5) The contribution limits provided in subs. (1) and (4) do not apply to a candidate who makes any contribution or contributions to his or her own campaign for office from the candidate's personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, with respect to any contribution or contributions made to that candidate's campaign only. A candidate's personal contributions shall be deposited in his or her campaign depository account and reported in the normal manner.

SECTION 81. 11.26 (6) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (6) When a candidate adopts a preexisting support committee as his or her personal campaign committee, the support committee is deemed to have been the same committee as the candidate's personal campaign committee for purposes of the application of subs. (1), (2) and (9). The limitations prescribed in subs. (2) and (9) do not apply to the transfer of contributions which is made at the time of such adoption, but do apply to the contributions which have been made by any other committee to the support committee at the time of adoption.

SECTION 82. 11.26 (8) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than a total of \$150,000 in value of its contributions in any biennium from all other committees, excluding contributions from legislative campaign committees and transfers between party committees of the party. In this paragraph, a biennium commences with January 1 of each odd-numbered year and ends with December 31 of each even-numbered year.

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

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

SECTION 83. 11.26 (8n) and (8r) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 84. 11.26 (9) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (9) (a) No individual who is a candidate for state or local office may receive and accept more than 65 percent of the value of the total disbursement level determined under s. 11.31 for the office for which he or she is

a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party and legislative campaign committees.

SECTION 85. 11.26 (9) (am) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 86. 11.26 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 87. 11.26 (9m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 88. 11.26 (10) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (10) No candidate for state office who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund may make contributions of more than 200 percent of the amounts specified in sub. (1) to the candidate's own campaign from the candidate's personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies. For purposes of this subsection, any contribution received by a candidate or his or her personal campaign committee from a committee which is registered with the federal elections commission as the authorized committee of the candidate under 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her own campaign. The contribution limit of sub. (4) applies to amounts contributed by such a candidate personally to the candidate's own campaign and to other campaigns, except that a candidate may exceed the limitation if authorized under this subsection to contribute more than the amount specified to the candidate's own campaign, up to the amount of the limitation.

SECTION 89. 11.26 (10a) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 90. 11.26 (15) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (15) The fact that 2 or more committees, other than personal campaign committees, utilize common policies and practices concerning the endorsement of candidates or agree to make contributions only to such endorsed candidates does not affect the right of each

committee independently to make contributions up to the amount specified under sub. (2).

SECTION 91. 11.26 (17) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (17) (a) For purposes of application of the limitations imposed in subs. (1), (2), (9) and (10), the “campaign” of a candidate begins and ends at the times specified in this subsection.

SECTION 92. 11.265 of the statutes is created to read:

11.265 Legislative campaign committees. (1) No more than one legislative campaign committee may be established by the members of one political party in each house of the legislature.

(2) A legislative campaign committee may accept no contributions and make no contributions or disbursements exceeding the amounts authorized for a political party under this chapter.

(3) Amounts contributed by a legislative campaign committee to a political party are not subject to limitation by this chapter.

SECTION 93. 11.31 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 94. 11.31 (1) (a) to (d) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed and recreated to read:

11.31 (1) (a) Candidates for governor, \$1,078,200.

(b) Candidates for lieutenant governor, \$323,475.

(c) Candidates for attorney general, \$539,000.

(d) Candidates for secretary of state, state treasurer, justice or state superintendent, \$215,625.

SECTION 95. 11.31 (1) (de) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 96. 11.31 (1) (e) and (f) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed and recreated to read:

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

(f) Candidates for representative to the assembly, \$17,250 total in the primary and election, with disbursements not exceeding \$10,775 for either the primary or the election.

SECTION 97. 11.31 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general election who files a sworn statement and application to receive a grant from the Wis-

consin election campaign fund may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the amount prescribed in sub. (1), unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies. No candidate for state office at a special election who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the amount prescribed under sub. (1) for the preceding spring or general election for the same office, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies.

SECTION 98. 11.31 (2m) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.31 (2m) VOLUNTARY LIMITATION. Any candidate to whom sub. (2) and s. 11.26 (10) do not apply may file an affidavit with his or her filing officer affirming that he or she has adhered and will adhere to the limitations imposed under sub. (2) and s. 11.26 during the entire campaign. These limitations apply unless the candidate withdraws the affidavit by notifying his or her filing officer in writing no later than the 7th day after the date of the primary in which the person filing the affidavit is a candidate, or the 7th day after the date that the primary would be held, if no primary is required.

SECTION 99. 11.31 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 100. 11.31 (3p) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 101. 11.31 (9) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 102. 11.38 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association may establish and administer a separate segregated fund and solicit contributions from individuals to the fund to be utilized by such corporation or association, for the purpose of supporting or opposing any candidate for state or local office but the corporation or association may not make any contribution to the fund.

The fund shall appoint a treasurer and shall register as a political committee under s. 11.05. A parent corporation or association engaging solely in this activity is not subject to registration under s. 11.05, but shall register and file special reports on forms prescribed by the board disclosing its administrative and solicitation expenses on behalf of such fund. A corporation not domiciled in this state need report only its expenses for administration and solicitation of contributions in this state together with a statement indicating where information concerning other administration and solicitation expenses of its fund may be obtained. The reports shall be filed with the filing officer for the fund specified in s. 11.02 in the manner in which continuing reports are filed under s. 11.20 (4) and (8).

SECTION 103. 11.38 (6) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.38 (6) Any individual or campaign treasurer who receives funds in violation of this section shall promptly return such funds to the contributor or donate the funds to the common school fund or a charitable organization, at the treasurer's option.

SECTION 104. 11.38 (8) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file periodic reports under s. 11.20 providing the information required under s. 11.06 (1).

SECTION 105. 11.385 of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 106. 11.50 (1) (a) 1. (intro.) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 107. 11.50 (1) (a) 1. a. of the statutes, as affected by 2001 Wisconsin Act 109, is renumbered 11.50 (1) (a) 1.

SECTION 108. 11.50 (1) (a) 1. b. of the statutes, as affected by 2001 Wisconsin Act 109, is repealed.

SECTION 109. 11.50 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (1) (a) 2. With respect to a special election, an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state office, except district attorney, on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6 percent of the vote cast for all candidates on all ballots for the office, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at a special election, or an individual who receives at least 6 percent of the vote cast for all candidates on all ballots for any state office, except district attorney, at a partisan special election; and who qualifies for a grant under sub. (2). Where the boundaries of a district in which an individual seeks office have been changed since the preceding general election such that it is not possible to calculate the exact number of votes that are needed by that individual to qualify as an eligible candidate prior to an election under this subdivision, the number of votes cast for all candidates for the office at the preceding general election in each ward, combination of wards or municipality which is wholly contained within the boundaries of the newly formed district shall be calculated. If the candidate of the political party on whose ballot or column the individual appears in the newly formed district obtained at least 6 percent of the number of votes calculated, the individual is deemed to qualify as an eligible candidate prior to the election under this subdivision.

SECTION 110. 11.50 (1) (a) 2m. of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 111. 11.50 (1) (am) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 112. 11.50 (1) (bm) and (cm) of the statutes, as created by 2001 Wisconsin Act 109, are repealed.

SECTION 113. 11.50 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m. on the 7th day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to which such limitations have applied to his or her candidacy and will

continue to comply with the limitations at all times to which the limitations apply to his or her candidacy for the office in contest, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under par. (h), or par. (i) applies.

SECTION 114. 11.50 (2) (b) 3. of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (2) (b) 3. The candidate has an opponent who is certified for placement on the election ballot as a candidate for the same office;

SECTION 115. 11.50 (2) (b) 4. of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that his or her statement filed with the application under par. (a) is true; and

SECTION 116. 11.50 (2) (b) 5. of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that the candidate has received at least the amount provided in this subdivision, from contributions of money, other than loans, made by individuals, which have been received during the period ending on the date of the spring primary and July 1 preceding such date in the case of candidates at the spring election, or the date of the September primary and January 1 preceding such date in the case of candidates at the general election, or the date that a special primary will or would be held, if required, and 90 days preceding such date or the date a special election is ordered, whichever is earlier, in the case of special election candidates, which contributions are in the aggregate amount of \$100 or less, and which are fully identified and itemized as to the exact source thereof. A contribution received from a conduit which is identified by the conduit as originating from an individual shall be considered a contribution made by the individual. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For a candidate at the spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at a special election, the required amount to qualify for a grant is 5 percent of the candidate's authorized disbursement limitation under s. 11.31. For any other candidate at the general election, the required amount to qualify for a grant is 10 percent of the candidate's authorized disbursement limitation under s. 11.31.

SECTION 117. 11.50 (2) (b) 6. of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 118. 11.50 (2) (c) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 119. 11.50 (2) (f) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (2) (f) The board shall inform each candidate in writing of the approval or disapproval of the candidate's application, as promptly as possible after the date of the spring primary, September primary, special primary, or date that the primary would be held, if required. With respect to a candidate at a special election who applies for a postelection grant under sub. (1) (a) 2., the board shall inform the candidate in writing of the conditional approval or disapproval of the candidate's application at the same time.

SECTION 120. 11.50 (2) (g) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 121. 11.50 (2) (h) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (2) (h) An eligible candidate who files an application under par. (a) may file a written withdrawal of the application. A withdrawal of an application may

be filed with the board no later than the 7th day after the day of the primary in which the person withdrawing the application is a candidate or the 7th day after the date that the primary would be held, if required. If an application is withdrawn in accordance with this paragraph, the person withdrawing the application is no longer bound by the statement filed under par. (a) after the date of the withdrawal.

SECTION 122. 11.50 (2) (i) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring election or a special nonpartisan election who accepts a grant is opposed by one or more candidates in the election, or if an eligible candidate at the general election or a special partisan election who accepts a grant is opposed by one or more candidates in the election who receive at least 6 percent of the vote cast for all candidates for the same office on all ballots at the September primary or a special partisan primary if a primary was held, and in either case if any such opponent of the eligible candidate does not accept a grant under this section in whole or in part, the eligible candidate is not bound by the pledge made in his or her application to adhere to the contribution limitations prescribed in s. 11.26 and the disbursement limitation prescribed under s. 11.31, unless each such opponent files an affidavit of voluntary compliance under s. 11.31 (2m).

SECTION 123. 11.50 (2) (j) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 124. 11.50 (2s) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 125. 11.50 (2w) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 126. 11.50 (3) of the statutes is created to read:

11.50(3) NONPARTISAN CANDIDATES. (a) Annually on August 15, all moneys appropriated to the fund shall be apportioned as follows by the state treasurer:

1. If an election for state superintendent is scheduled in the following year, 8 percent of the fund shall be placed in a superintendency account. From this account, an equal amount shall be disbursed to the campaign depository account of each eligible candidate by the state treasurer.

2. If an election for justice is scheduled in the following year, 8 percent of the fund shall be placed in a supreme court account. From this account, an equal amount shall be disbursed to the campaign depository account of each eligible candidate by the state treasurer.

3. The balance shall be apportioned under sub. (4).

(b) If a vacancy occurs in the office of state superintendent or justice after August 15 in any year and an election is scheduled to fill the vacancy at the spring election in the following year, the state treasurer shall transfer an

amount not exceeding 8 percent of the moneys transferred to the fund on the preceding August 15 to the account for the office in which the vacancy occurs, such moneys to be drawn from any account within the accounts created under sub. (4) in the amount or amounts specified by the board.

SECTION 127. 11.50 (4) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (4) PARTISAN AND SPECIAL ELECTION CANDIDATES. After apportionment under sub. (3), the remaining moneys shall constitute the partisan campaign account.

(a) In the partisan campaign account, 25 percent of the moneys shall be apportioned into an executive campaign account and 75 percent of the moneys shall be apportioned into a legislative and special election campaign account.

(b) The executive campaign account shall be divided into accounts for each executive office as provided in this paragraph. The apportionment of moneys in the executive campaign account shall be made as follows:

1. Sixty-seven percent to be apportioned between all eligible candidates for governor.

2. Eight percent to be apportioned between all eligible candidates for lieutenant governor.

3. Seventeen percent to be apportioned between all eligible candidates for attorney general.

4. Four percent to be apportioned between all eligible candidates for state treasurer.

5. Four percent to be apportioned between all eligible candidates for secretary of state.

(c) The legislative and special election campaign account shall be divided into a senate campaign account to receive 25 percent of the moneys, and an assembly campaign account to receive 75 percent of the moneys. Each account shall then be apportioned between all eligible candidates for the same office in the entire state. No apportionment shall be made by legislative district.

(cm) Each eligible candidate for the same office at a special election shall receive an equal amount, which amount shall be equivalent to the maximum grant which was payable to any candidate for that office at the most recent spring or general election. The amount shall be drawn from the senate campaign account and the assembly campaign account in the same proportions as the balance in each account bears to the total balance in both accounts at the time that payments are made. Whenever there are insufficient moneys in the senate campaign account and the assembly campaign account to make the payments required by this paragraph, payments shall be appropriately reduced or discontinued by the board.

(d) Within the accounts established under this subsection for each office at each general election, the entire amount of all available moneys shall be apportioned equally to all eligible candidates.

SECTION 128. 11.50 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (5) **TIME OF DISBURSEMENT.** The state treasurer shall make the disbursements to the campaign depository account of each eligible candidate under subs. (3) and (4) by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.

SECTION 129. 11.50 (6) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 130. 11.50 (7) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (7) (intro.) **UTILIZATION.** Grants distributed under this section may be utilized only for deposit in a campaign depository account under s. 11.10. Grants may be expended only for one or more of the following:

SECTION 131. 11.50 (8) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (8) **LAPSING GRANTS.** All grants disbursed under sub. (5) remain the property of the state until disbursed or encumbered for a lawful purpose. All grant moneys that are unspent and unencumbered by a candidate on the day after the election in which the candidate participates shall revert to the state. All deposits and refunds derived from grant moneys that are received by a candidate at any time after the day of the election in which the candidate participates shall revert to the state. All reversions shall be returned to the board by the candidate and shall be deposited in the fund.

SECTION 132. 11.50 (9) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (9) **LIMITATION ON GRANTS.** The total grant available to an eligible candidate may not exceed that amount which, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45 percent of the disbursement level specified for the applicable office under s. 11.31. The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept

grants exceeding the amount authorized by this subsection.

SECTION 133. 11.50 (10) of the statutes is created to read:

11.50 (10) **VOLUNTARY LIMITATION.** Any eligible candidate may by written request limit his or her participation in the fund to a lesser amount than that authorized under sub. (9).

SECTION 134. 11.50 (10m) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (10m) **RETURN OF GRANTS.** An individual who receives a grant prior to an election in which he or she is a candidate and who desires to return any portion of the grant shall return that portion no later than the 2nd Tuesday in October preceding a general election, the 4th Tuesday preceding a spring election or the 3rd Tuesday preceding a special election. A candidate who returns all or any portion of a grant under this subsection remains bound by the candidate's statement filed under sub. (2) (a).

SECTION 135. 11.50 (11) (e) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

SECTION 136. 11.50 (14) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 137. 11.60 (3r) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 138. 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.60 (4) Actions under this section arising out of an election for state office or a statewide referendum may be brought by the board or by the district attorney of the county where the violation is alleged to have occurred, except as specified in s. 11.38. Actions under this section arising out of an election for local office or a local referendum may be brought by the district attorney of the county where the violation is alleged to have occurred. Actions under this section arising out of an election for county office or a county referendum may be brought by the county board of election commissioners of the county wherein the violation is alleged to have occurred. If a violation concerns a district attorney or circuit judge or candidate for such offices, the action shall be brought by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent of

the attorney general and need not be a state employee at the time of appointment.

SECTION 139. 11.61 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) is guilty of a Class I felony.

SECTION 140. 25.42 of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

25.42 Wisconsin election campaign fund. All moneys appropriated under s. 20.855 (4) (b) together with all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.

SECTION 141. 71.07 (6s) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 142. 71.08 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109 and 2003 Wisconsin Acts 99 and 135, is repealed and recreated to read:

71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (3n), (3s), (3t), z95b), (5d), (6), and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m), (3), (3n), and (3t) and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m), (3), (3n), and (3t) and subchs. VIII and IX and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

SECTION 143. 71.10 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

71.10 (3) CAMPAIGN FUND. (a) Every individual filing an income tax return who has a tax liability or is

entitled to a tax refund may designate \$1 for the Wisconsin election campaign fund for the use of eligible candidates under s. 11.50. If the individuals filing a joint return have a tax liability or are entitled to a tax refund, each individual may make a designation of \$1 under this subsection.

(b) The secretary of revenue shall provide a place for those designations on the face of the individual income tax return and shall provide next to that place a statement that a designation will not increase tax liability. Annually on August 15, the secretary of revenue shall certify to the elections board, the department of administration and the state treasurer under s. 11.50 the total amount of designations made during the preceding fiscal year. If any individual attempts to place any condition or restriction upon a designation, that individual is deemed not to have made a designation on his or her tax return.

(c) The names of persons making designations under this subsection shall be strictly confidential.

SECTION 144. 71.10 (4) (gw) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 145. 806.04 (11m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 146. 2001 Wisconsin Act 109, section 9115 (2v) and (2x) are repealed.

SECTION 147. 2001 Wisconsin Act 109, section 9115 (2y), as last affected by 2003 Wisconsin Act 39, is repealed.

SECTION 148. 2001 Wisconsin Act 109, section 9132 (4v) is repealed.

SECTION 149. 2001 Wisconsin Act 109, section 9215 (3v) is repealed.

SECTION 150. 2001 Wisconsin Act 109, section 9244 (6v) is repealed.

SECTION 151. 2001 Wisconsin Act 109, section 9315 (2v) and (2w) are repealed.

SECTION 152. 2001 Wisconsin Act 109, section 9344 (2v) is repealed.

SECTION 153. 2001 Wisconsin Act 109, section 9415 (1zx), as last affected by 2003 Wisconsin Act 39, is repealed.