

## 2005 ASSEMBLY BILL 428

May 17, 2005 – Introduced by COMMITTEE ON CAMPAIGNS AND ELECTIONS. Referred to Committee on Campaigns and Elections.

1     **AN ACT** *to repeal* 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16)  
2         (a) 3., 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (title) and  
3         (a), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (8) and (9), 11.20 (2s) and (2t),  
4         11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m) and (1t), 11.26 (2) (ae), (am), (as)  
5         and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n) and (8r), 11.26 (9) (am), 11.26 (9m),  
6         11.26 (10a), 11.31 (1) (de), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.),  
7         11.50 (1) (a) 1. b., 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50  
8         (2) (b) 6., 11.50 (2) (j), 11.50 (2s), 11.50 (2w), 11.50 (14), 11.60 (3r), 71.07 (6s),  
9         71.10 (4) (gw) and 806.04 (11m); *to renumber* 11.24 (5) and 11.50 (1) (a) 1. a.;  
10        *to repeal and recreate* 5.02 (13), 5.05 (2), 7.08 (2) (c) and (cm), 8.30 (2), 8.35  
11        (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (3)  
12        (c), 11.05 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1)  
13        (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06  
14        (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1),

**ASSEMBLY BILL 428**

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),  
2 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.),  
3 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16),  
4 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a),  
5 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  
6 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e)  
7 and (f), 11.31 (2), 11.31 (2m), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b),  
8 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  
9 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (4), 11.50 (5),  
10 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.60  
11 (4), 11.61 (1) (a), 25.42, 71.08 (1) (intro.) and 71.10 (3); **to create** 11.01 (12s),  
12 11.05 (3) (o), 11.265, 11.50 (3) and 11.50 (10) of the statutes; and **to affect** 2001  
13 Wisconsin Act 109, section 9115 (2v) and (2x), 2001 Wisconsin Act 109, section  
14 9115 (2y), 2001 Wisconsin Act 109, section 9132 (4v), 2001 Wisconsin Act 109,  
15 section 9215 (3v), 2001 Wisconsin Act 109, section 9244 (6v), 2001 Wisconsin  
16 Act 109, section 9315 (2v) and (2w), 2001 Wisconsin Act 109, section 9344 (2v)  
17 and 2001 Wisconsin Act 109, section 9415 (1zx); **relating to:** deletion of  
18 changes to campaign finance and related laws made by 2001 Wisconsin Act 109.

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***Analysis by the Legislative Reference Bureau***

2001 Wisconsin Act 109 made comprehensive changes to campaign finance law, ethics, income tax, public broadcasting, and cable television laws. 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 (W.D. Wis., 2002), the U.S. District Court found that one provision of Act 109 relating to advance reporting of certain independent disbursements before obligations are

**ASSEMBLY BILL 428**

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 the changes described above made by Act 109 that are affected by the nonseverability provision, except that the bill does not affect provisions of the code of ethics for state and local public officials relating to official action in return for providing or withholding things of value, which has been affected by legislation enacted after Act 109, and the bill does not affect provisions that permitted the Elections Board to allocate up to 1 percent of annual amounts designated for the Wisconsin election campaign fund (WECF) to provide public information concerning the purpose and effect of WECF. The following is a description of the changes made by Act 109 to the statutes in effect before July 1, 2003:

Act 109 imposed registration and reporting requirements on certain individuals and committees that finance certain mass communications made during the 60-day period preceding an election. The act also imposed 24-hour reporting requirements on certain special interest committees and on certain candidates for state office who decline to accept public grants from WECF to finance their campaigns. When expenditures or obligations reported by these committees or when expenditures reported by these candidates reach specified levels, the act permitted opposing candidates to receive additional campaign contributions from political parties and other committees and individuals, and to make additional expenditures to respond to the reported expenditures and obligations.

Act 109 made changes to the laws regulating campaign contributions. With certain exceptions, the act prohibited any candidate who accepts a public grant from WECF from accepting contributions from any committee other than a political party committee. The act also permitted candidates for legislative office who are bound by campaign spending and self-contribution limits as a result of accepting a public grant from WECF to accept double the amount of contributions otherwise permitted from particular individuals and, when permitted, from particular committees. The act imposed restrictions on fund raising by incumbents during a legislative session.

Act 109 increased spending limits for candidates for partisan state offices. The act decreased contribution limits for candidates for legislative office who decline to accept spending limits. The act increased the amount that a political party may receive in a biennium from all committees, other than political party committees, from \$150,000 to \$450,000 and increased the amount that a committee, other than a political party committee, may contribute to a political party in a calendar year from \$6,000 to \$18,000. The act further permitted political parties to accept an additional \$450,000 from all committees in any biennium to be used in providing certain additional campaign contributions to legislative candidates. The act also imposed restrictions on the transfer of contributions between certain committees other than political party committees.

Act 109 increased the amount of campaign expenditures that candidates for state office who accept a public grant from WECF may make. The act provided that the maximum grant under WECF is an amount equal to 40 percent of the applicable

**ASSEMBLY BILL 428**

spending limit or, for candidates for the office of governor, 35 percent of the applicable expenditure limit. (Prior law permitted a maximum grant of 45 percent of the applicable spending limit, less contributions accepted from special interest committees.) However, the act also provided for supplemental grants to be made to candidates who have reported mass communications or certain noncandidate expenditures made in opposition to them or in support of their opponents. The act provided candidates for the office of justice of the supreme court with a “first draw” on available grant funds. The act established political party accounts under WECF and permitted individuals who have a tax liability to designate on their state income tax returns that money be placed in a political party’s account or in a general account for all qualifying candidates, as permitted previously, and increased the amount of the designation from \$1 to \$20. Under the act, the designation does not increase an individual’s tax liability.

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

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

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

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

11           **5.05 (2) AUDITING.** In addition to the facial examination of reports and  
12 statements required under s. 11.21 (13), the board shall conduct an audit of reports  
13 and statements which are required to be filed with it to determine whether violations  
14 of ch. 11 have occurred. The board may examine records relating to matters required  
15 to be treated in such reports and statements. The board shall make official note in

**ASSEMBLY BILL 428**

1 the file of a candidate, committee, group or individual under ch. 11 of any error or  
2 other discrepancy which the board discovers and shall inform the person submitting  
3 the report or statement.

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

6 7.08 (2) (c) As soon as possible after the canvass of the spring and September  
7 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in  
8 September, transmit to the state treasurer a certified list of all eligible candidates  
9 for state office who have filed applications under s. 11.50 (2) and whom the board  
10 determines to be eligible to receive payments from the Wisconsin election campaign  
11 fund. The list shall contain each candidate's name, the mailing address indicated  
12 upon the candidate's registration form, the office for which the individual is a  
13 candidate and the party or principle which he or she represents, if any.

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

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

**ASSEMBLY BILL 428****SECTION 4**

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) or (2r) by the applicable  
3 deadline for filing nomination papers by such candidate, or the deadline for filing a  
4 declaration of candidacy for an office for which nomination papers are not filed, the  
5 name of the candidate may not appear on the ballot. This subsection may not be  
6 construed to exempt a candidate from applicable penalties if he or she files a  
7 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

8           **SECTION 5.** 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. Donated to the former candidate's local or state political party  
11 if the former candidate was a partisan candidate or donated to the charitable  
12 organization of the former candidate's choice or the charitable organization chosen  
13 by the former candidate's next of kin if the former candidate is deceased, or if no  
14 choice is made returned to the donors on a proportional basis; or

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

19           **SECTION 6.** 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 shall be reported to the appropriate filing officer in a  
22 special report submitted by the former candidate's campaign treasurer. If the former  
23 candidate is deceased and was serving as his or her own campaign treasurer, the  
24 former candidate's petitioner or personal representative shall file the report and  
25 make the transfer required by par. (b), if any. The report shall include a complete

**ASSEMBLY BILL 428**

1 statement of all contributions, disbursements and incurred obligations pursuant to  
2 s. 11.06 (1) covering the period from the day after the last date covered on the former  
3 candidate's most recent report to the date of disposition.

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

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

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

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

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

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

17 **SECTION 11.** 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act  
18 109, is repealed.

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

21 11.05 (1) COMMITTEES AND GROUPS. Except as provided in s. 9.10 (2) (d), every  
22 committee other than a personal campaign committee, and every political group  
23 subject to registration under s. 11.23 which makes or accepts contributions, incurs  
24 obligations or makes disbursements in a calendar year in an aggregate amount in  
25 excess of \$25 shall file a statement with the appropriate filing officer giving the



**ASSEMBLY BILL 428****SECTION 12**

1 information required by sub. (3). In the case of any committee other than a personal  
2 campaign committee, the statement shall be filed by the treasurer. A personal  
3 campaign committee shall register under sub. (2g) or (2r).

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

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

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

15 11.05 (2r) GENERAL REPORTING EXEMPTIONS. Any person, committee or group,  
16 other than a committee or individual required to file an oath under s. 11.06 (7), who  
17 or which does not anticipate accepting contributions, making disbursements or  
18 incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year  
19 and does not anticipate accepting any contribution or contributions from a single  
20 source, other than contributions made by a candidate to his or her own campaign,  
21 exceeding \$100 in that year may indicate on its registration statement that the  
22 person, committee or group will not accept contributions, incur obligations or make  
23 disbursements in the aggregate in excess of \$1,000 in any calendar year and will not  
24 accept any contribution or contributions from a single source, other than  
25 contributions made by a candidate to his or her own campaign, exceeding \$100 in



**ASSEMBLY BILL 428**

1 such year. Any registrant making such an indication is not subject to any filing  
2 requirement if the statement is true. The registrant need not file a termination  
3 report. A registrant not making such an indication on a registration statement is  
4 subject to a filing requirement. The indication may be revoked and the registrant  
5 is then subject to a filing requirement as of the date of revocation, or the date that  
6 aggregate contributions, disbursements or obligations for the calendar year exceed  
7 \$1,000, or the date on which the registrant accepts any contribution or contributions  
8 exceeding \$100 from a single source, other than contributions made by a candidate  
9 to his or her own campaign, during that year, whichever is earlier. If the revocation  
10 is not timely, the registrant violates s. 11.27 (1).

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

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

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

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

20 11.05 (3) (o) In the case of a legislative campaign committee, a statement signed  
21 by the leader of the party in the house for which the committee is established  
22 attesting to the fact that the committee is the only authorized legislative campaign  
23 committee for that party in that house.

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

**ASSEMBLY BILL 428****SECTION 19**

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

3           11.05 **(5)** CHANGE OF INFORMATION. Any change in information previously  
4 submitted in a statement of registration shall be reported by the registrant to the  
5 appropriate filing officer within 10 days following the change. This period does not  
6 apply in case of change of an indication made under sub. (2r), which shall be reported  
7 no later than the date that a registrant is subject to a filing requirement under sub.  
8 (2r). Any such change may be reported only by the individual or by the officer who  
9 has succeeded to the position of an individual who signed the original statement; but  
10 in the case of a personal campaign committee, a candidate or campaign treasurer  
11 may report a change in the statement except as provided in s. 11.10 (2), and in the  
12 case of any other committee or group, the chief executive officer or treasurer  
13 indicated on the statement may report a change. If a preexisting support committee  
14 is adopted by a candidate as his or her personal campaign committee, the candidate  
15 shall file an amendment to the committee's statement under this subsection  
16 indicating that all information contained in the statement is true, correct and  
17 complete.

18           **SECTION 20.** 11.05 (9) (title) of the statutes, as affected by 2001 Wisconsin Act  
19 109, is repealed and recreated to read:

20           11.05 **(9)** (title) CONDUITS.

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

23           11.05 **(9)** (b) An individual who or a committee or group which receives a  
24 contribution of money and transfers the contribution to another individual,  
25 committee or group while acting as a conduit is not subject to registration under this

**ASSEMBLY BILL 428**

1 section unless the individual, committee or group transfers the contribution to a  
2 candidate or a personal campaign, legislative campaign, political party or support  
3 committee.

4 **SECTION 22.** 11.05 (12) (b) of the statutes, as affected by 2001 Wisconsin Act  
5 109, is repealed and recreated to read:

6 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or  
7 individual other than a candidate or agent of a candidate shall comply with sub. (1)  
8 or (2) no later than the 5th business day commencing after receipt of the first  
9 contribution by such committee, group or individual, and before making any  
10 disbursement. No committee, group or individual, other than a candidate or agent  
11 of a candidate, may accept any contribution or contributions exceeding \$25 in the  
12 aggregate during a calendar year at any time when the committee, group or  
13 individual is not registered under this section except within the initial 5-day period  
14 authorized by this paragraph.

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

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

24 **SECTION 24.** 11.06 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act  
25 109, is repealed and recreated to read:

**ASSEMBLY BILL 428****SECTION 24**

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

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

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

12           11.06 (1) (e) An itemized statement of contributions over \$20 from a single  
13 source donated to a charitable organization or to the common school fund, with the  
14 full name and mailing address of the donee.

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

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

**ASSEMBLY BILL 428**

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

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

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

7           11.06 **(3)** (b) (intro.) Notwithstanding sub. (1), a nonresident registrant shall  
8           report on a form prescribed by the board the applicable information under sub. (1)  
9           concerning:

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

12          11.06 **(4)** (b) Unless it is returned or donated within 15 days of receipt, a  
13          contribution must be reported as received and accepted on the date received. This  
14          subsection applies notwithstanding the fact that the contribution is not deposited in  
15          the campaign depository account by the closing date for the reporting period as  
16          provided in s. 11.20 (8).

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

19          11.06 **(5)** REPORT MUST BE COMPLETE. A registered individual or treasurer of a  
20          group or committee shall make a good faith effort to obtain all required information.  
21          The first report shall commence no later than the date that the first contribution is  
22          received and accepted or the first disbursement is made. Each report shall be filed  
23          with the appropriate filing officer on the dates designated in s. 11.20. The individual  
24          or the treasurer of the group or committee shall certify to the correctness of each  
25          report. In the case of a candidate, the candidate or treasurer shall certify to the

**ASSEMBLY BILL 428****SECTION 32**

1 correctness of each report. If a treasurer is unavailable, any person designated as  
2 a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

3 **SECTION 33.** 11.06 (7m) (a) of the statutes, as affected by 2001 Wisconsin Act  
4 109, is repealed and recreated to read:

5 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political  
6 party committee or legislative campaign committee supporting candidates of a  
7 political party files an oath under sub. (7) affirming that it does not act in cooperation  
8 or consultation with any candidate who is nominated to appear on the party ballot  
9 of the party at a general or special election, that the committee does not act in concert  
10 with, or at the request or suggestion of, such a candidate, that the committee does  
11 not act in cooperation or consultation with such a candidate or agent or authorized  
12 committee of such a candidate who benefits from a disbursement made in opposition  
13 to another candidate, and that the committee does not act in concert with, or at the  
14 request or suggestion of, such a candidate or agent or authorized committee of such  
15 a candidate who benefits from a disbursement made in opposition to another  
16 candidate, the committee filing the oath may not make any contributions in support  
17 of any candidate of the party at the general or special election or in opposition to any  
18 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as  
19 authorized in par. (c).

20 **SECTION 34.** 11.06 (7m) (b) of the statutes, as affected by 2001 Wisconsin Act  
21 109, is repealed and recreated to read:

22 11.06 (7m) (b) If the committee has already made contributions in excess of the  
23 amounts specified in s. 11.26 (2) at the time it files an oath under sub. (7), each  
24 candidate to whom contributions are made shall promptly return a sufficient amount

**ASSEMBLY BILL 428**

1 of contributions to bring the committee in compliance with this subsection and the  
2 committee may not make any additional contributions in violation of this subsection.

3 **SECTION 35.** 11.06 (7m) (c) of the statutes, as affected by 2001 Wisconsin Act  
4 109, is repealed and recreated to read:

5 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change  
6 its status to a political party committee or legislative campaign committee may do  
7 so as of December 31 of any even-numbered year. Section 11.26 does not apply to  
8 contributions received by such a committee prior to the date of the change. Such a  
9 committee may change its status at other times only by filing a termination  
10 statement under s. 11.19 (1) and reregistering as a newly organized committee under  
11 s. 11.05.

12 **SECTION 36.** 11.06 (11) (bm) of the statutes, as created by 2001 Wisconsin Act  
13 109, is repealed.

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

16 11.07 (1) Every nonresident committee or group making contributions and  
17 every nonresident individual, committee or group making disbursements exceeding  
18 \$25 cumulatively in a calendar year within this state shall file name, mailing and  
19 street address and the name and the mailing and street address of a designated  
20 agent within the state with the office of the secretary of state. An agent may be any  
21 adult individual who is a resident of this state. After any change in the name or  
22 address of such agent the new address or name of the successor agent shall be filed  
23 within 30 days. Service of process in any proceeding under this chapter or ch. 12, or  
24 service of any other notice or demand may be made upon such agent.



**ASSEMBLY BILL 428****SECTION 38**

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

3           **11.07 (5)** Any campaign treasurer or individual who knowingly receives a  
4 contribution made by an unregistered nonresident in violation of this section may  
5 not use or expend such contribution but shall immediately return it to the source or  
6 at the option of the campaign treasurer or individual, donate the contribution to a  
7 charitable organization or to the common school fund.

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

10           **11.09 (3)** Each registrant whose filing officer is the board, who or which makes  
11 disbursements in connection with elections for offices which serve or referenda  
12 which affect only one county or portion thereof, except a candidate, personal  
13 campaign committee, political party committee or other committee making  
14 disbursements in support of or in opposition to a candidate for state senator,  
15 representative to the assembly, court of appeals judge or circuit judge, shall file a  
16 duplicate original of each financial report filed with the board with the county clerk  
17 or board of election commissioners of the county in which the elections in which the  
18 registrant participates are held. Such reports shall be filed no later than the dates  
19 specified under s. 11.20 (2) and (4) for the filing of each report with the board.

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

22           **11.10 (1)** Each candidate in an election shall appoint one campaign treasurer.  
23 Except as provided in s. 11.14 (3), each candidate shall designate one campaign  
24 depository account within 5 business days after the candidate receives his or her first  
25 contribution and before the candidate makes or authorizes any disbursement in

**ASSEMBLY BILL 428**

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

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

15           11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign  
16      or committee treasurer or by an individual under s. 11.06 (7) may not be used or  
17      expended. The contribution shall be donated to the common school fund or to any  
18      charitable organization at the option of the treasurer.

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

21           11.12 (4) Each registrant shall report contributions, disbursements and  
22      incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06  
23      (2), (3) and (3m), each report shall contain the information which is required under  
24      s. 11.06 (1).

**ASSEMBLY BILL 428****SECTION 43**

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

3           **11.12 (5)** If any contribution or contributions of \$500 or more cumulatively are  
4 received by a candidate for state office or by a committee or individual from a single  
5 contributor later than 15 days prior to a primary or election such that it is not  
6 included in the preprimary or preelection report submitted under s. 11.20 (3), the  
7 treasurer of the committee or the individual receiving the contribution shall within  
8 24 hours of receipt inform the appropriate filing officer of the information required  
9 under s. 11.06 (1) in such manner as the board may prescribe. The information shall  
10 also be included in the treasurer's or individual's next regular report. For purposes  
11 of the reporting requirement under this subsection, only contributions received  
12 during the period beginning with the day after the last date covered on the  
13 preprimary or preelection report, and ending with the day before the primary or  
14 election need be reported.

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

17           **11.12 (6)** If any disbursement of more than \$20 cumulatively is made to  
18 advocate the election or defeat of a clearly identified candidate by an individual or  
19 committee later than 15 days prior to a primary or election in which the candidate's  
20 name appears on the ballot without cooperation or consultation with a candidate or  
21 agent or authorized committee of a candidate who is supported or opposed, and not  
22 in concert with or at the request or suggestion of such a candidate, agent or  
23 committee, the individual or treasurer of the committee shall, within 24 hours of  
24 making the disbursement, inform the appropriate filing officer of the information  
25 required under s. 11.06 (1) in such manner as the board may prescribe. The

**ASSEMBLY BILL 428**

1 information shall also be included in the next regular report of the individual or  
2 committee under s. 11.20. For purposes of this subsection, disbursements cumulate  
3 beginning with the day after the last date covered on the preprimary or preelection  
4 report and ending with the day before the primary or election. Upon receipt of a  
5 report under this subsection, the filing officer shall, within 24 hours of receipt, mail  
6 a copy of the report to all candidates for any office in support of or opposition to one  
7 of whom a disbursement identified in the report is made.

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

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

12 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own  
13 campaign treasurer and who is authorized to make and makes an indication on his  
14 or her registration statement under s. 11.05 (2r) that he or she will not accept  
15 contributions, make disbursements or incur obligations in an aggregate amount  
16 exceeding \$1,000 in a calendar year, and will not accept any contribution or  
17 contributions from a single source, other than contributions made by the candidate  
18 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single  
19 personal account as his or her campaign depository account, and may intermingle  
20 personal and other funds with campaign funds. If a separate depository account is  
21 later established by the candidate, the candidate shall transfer all campaign funds  
22 in the personal account to the new depository account. Disbursements made from  
23 such personal account need not be identified in accordance with s. 11.16 (3).

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

**ASSEMBLY BILL 428****SECTION 47**

1           11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money  
2 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized  
3 credit card receipt bearing on the face the name of the remitter. No treasurer may  
4 accept a contribution made in violation of this subsection. The treasurer shall  
5 promptly return the contribution, or donate it to the common school fund or to a  
6 charitable organization in the event that the donor cannot be identified.

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

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

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

**ASSEMBLY BILL 428**

1           **11.19 (title) Dissolution of registrants; termination reports.**

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

4           **11.19 (1)** Whenever any registrant disbands or determines that obligations will  
5 no longer be incurred, and contributions will no longer be received nor disbursements  
6 made during a calendar year, and the registrant has no outstanding incurred  
7 obligations, the registrant shall file a termination report with the appropriate filing  
8 officer. Such report shall indicate a cash balance on hand of zero at the end of the  
9 reporting period and shall indicate the disposition of residual funds. Residual funds  
10 may be used for any political purpose not prohibited by law, returned to the donors  
11 in an amount not exceeding the original contribution, or donated to a charitable  
12 organization or the common school fund. The report shall be filed and certified as  
13 were previous reports, and shall contain the information required by s. 11.06 (1). A  
14 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that  
15 subsection with a termination report filed under this subsection. If a termination  
16 report or suspension report under sub. (2) is not filed, the registrant shall continue  
17 to file periodic reports with the appropriate filing officer, no later than the dates  
18 specified in s. 11.20. This subsection does not apply to any registrant making an  
19 indication under s. 11.05 (2r).

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

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

**ASSEMBLY BILL 428****SECTION 51**

1 referenda shall be filed with the appropriate filing officer under s. 11.02, except  
2 reports filed under s. 11.08.

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

5 11.20 (2) Preprimary and preelection reports under s. 11.06 (1) shall be  
6 received by the appropriate filing officer no earlier than 14 days and no later than  
7 8 days preceding the primary and the election.

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

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

12 11.20 (3) (a) A candidate or personal campaign committee of a candidate at a  
13 primary shall file a preprimary and preelection report. If a candidate for a  
14 nonpartisan state office at an election is not required to participate in a primary, the  
15 candidate or personal campaign committee of the candidate shall file a preprimary  
16 report at the time prescribed in sub. (2) preceding the date specified in s. 5.02 (20)  
17 or (22) for the holding of the primary, were it to be required.

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

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

22 11.20 (7) In the event that any report is required to be filed under this section  
23 on a nonbusiness day, it may be filed on the next business day thereafter.

24 **SECTION 56.** 11.20 (8) (intro.) of the statutes, as affected by 2001 Wisconsin Act  
25 109, is repealed and recreated to read:



**ASSEMBLY BILL 428**

1           11.20 **(8)** (intro.) Reports filed under subs. (2), (4), and (4m) shall include all  
2 contributions received and transactions made as of the end of:

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

5           11.20 **(8)** (a) The 15th day preceding the primary or election in the case of the  
6 preprimary and preelection report.

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

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

11           11.20 **(9)** Except as provided in ss. 11.05 (2r) and 11.19 (2), the duty to file  
12 reports under this section continues until a termination report is filed in accordance  
13 with s. 11.19.

14           **SECTION 60.** 11.20 (10) (a) of the statutes, as affected by 2001 Wisconsin Act  
15 109, is repealed and recreated to read:

16           11.20 **(10)** (a) Where a requirement is imposed under this section for the filing  
17 of a financial report which is to be received by the appropriate filing officer no later  
18 than a certain date, the requirement may be satisfied either by actual receipt of the  
19 report by the prescribed time for filing at the office of the filing officer, or by filing a  
20 report with the U.S. postal service by first class mail with sufficient prepaid postage,  
21 addressed to the appropriate filing officer, no later than the date provided by law for  
22 receipt of such report.

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

**ASSEMBLY BILL 428****SECTION 61**

1           11.20 **(12)** If a candidate is unopposed in a primary or election, the obligation  
2 to file the reports required by this chapter does not cease. Except as provided in ss.  
3 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes  
4 no disbursements or incurs no obligations shall so report on the dates designated in  
5 subs. (2) and (4).

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

8           11.21 **(2)** Furnish to each registrant prescribed forms for the making of reports  
9 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and  
10 not later than 14 days prior to the applicable filing deadline under s. 11.20, and  
11 addressed to the attention of the treasurer or other person indicated on the  
12 registration statement. Forms need not be sent to a registrant who has made an  
13 indication that aggregate contributions, disbursements and obligations will not  
14 exceed the amount specified under s. 11.05 (2r) or to a registrant who has been  
15 granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by the  
16 board to a registrant if the registrant is required to file reports with the board in an  
17 electronic format. Whenever any notice of filing requirements under this chapter is  
18 sent to a candidate's campaign treasurer, the board shall also send a notice to the  
19 candidate if he or she has appointed a separate treasurer. Failure to receive any form  
20 or notice does not exempt a registrant from compliance with this chapter.

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

23           11.21 **(15)** Inform each candidate who files an application to become eligible to  
24 receive a grant from the Wisconsin election campaign fund of the dollar amount of  
25 the applicable disbursement limitation under s. 11.31 which applies to the office for

**ASSEMBLY BILL 428**

1 which such person is a candidate. Failure to receive the notice required by this  
2 subsection does not constitute a defense to a violation of s. 11.27 (1) or 11.31.

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

5 11.21 (16) Require each registrant for whom the board serves as filing officer  
6 and who or which accepts contributions in a total amount or value of \$20,000 or more  
7 during a campaign period to file each campaign finance report that is required to be  
8 filed under this chapter in an electronic format, and accept from any other registrant  
9 for whom the board serves as a filing officer any campaign finance report that is  
10 required to be filed under this chapter in an electronic format. A registrant who or  
11 which becomes subject to a requirement to file reports in an electronic format under  
12 this subsection shall initially file the registrant's report in an electronic format for  
13 the period which includes the date on which the registrant becomes subject to the  
14 requirement. To facilitate implementation of this subsection, the board shall specify,  
15 by rule, a type of software that is suitable for compliance with the electronic filing  
16 requirement under this subsection. The board shall provide copies of the software  
17 to registrants at a price fixed by the board that may not exceed cost. Each registrant  
18 who or which files a report under this subsection in an electronic format shall also  
19 file a copy of the report with the board that is recorded on a medium specified by the  
20 board. The copy shall be signed by an authorized individual and filed with the board  
21 by each registrant no later than the time prescribed for filing of the report under this  
22 chapter. The board shall provide complete instructions to any registrant who or  
23 which files a report under this subsection. In this subsection, the "campaign period"  
24 of a candidate, personal campaign committee or support committee begins and ends  
25 with the "campaign" of the candidate whose candidacy is supported, as defined in s.

**ASSEMBLY BILL 428****SECTION 64**

1 11.26 (17), and the “campaign period” of any other registrant begins on January 1 of  
2 each odd-numbered year and ends on December 31 of the following year.

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

5 11.22 (3) Furnish to each registrant prescribed forms for the making of reports  
6 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and  
7 not later than 14 days prior to the applicable filing deadline under s. 11.20 and  
8 addressed to the attention of the treasurer or other person indicated on the  
9 registration statement. Forms need not be sent to a registrant who has made an  
10 indication that aggregate contributions, disbursements and obligations will not  
11 exceed the amount specified under s. 11.05 (2r) or to a registrant who has been  
12 granted a suspension under s. 11.19 (2). Whenever any notice of the filing  
13 requirements under this chapter is sent to a candidate’s campaign treasurer, the  
14 filing officer shall also send a notice to the candidate if he or she has appointed a  
15 separate treasurer. Failure to receive any form or notice does not exempt a registrant  
16 from compliance with this chapter.

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

19 11.23 (1) Any group or individual may promote or oppose a particular vote at  
20 any referendum in this state. Before making disbursements, receiving contributions  
21 or incurring obligations in excess of \$25 in the aggregate in a calendar year for such  
22 purposes, the group or individual shall file a registration statement under s. 11.05  
23 (1), (2) or (2r). In the case of a group the name and mailing address of each of its  
24 officers shall be given in the statement. Every group and every individual under this  
25 section shall designate a campaign depository account under s. 11.14. Every group

**ASSEMBLY BILL 428**

1 shall appoint a treasurer, who may delegate authority but is jointly responsible for  
2 the actions of his or her authorized designee for purposes of civil liability under this  
3 chapter. The appropriate filing officer shall be notified by a group of any change in  
4 its treasurer within 10 days of the change under s. 11.05 (5). The treasurer of a group  
5 shall certify the correctness of each statement or report submitted by it under this  
6 chapter.

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

9 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual  
10 or group treasurer may not be used or expended. The contribution shall be donated  
11 to the common school fund or to any charitable organization at the option of the  
12 treasurer.

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

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

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

19 **SECTION 71.** 11.26 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act  
20 109, is repealed and recreated to read:

21 11.26 (1) (intro.) No individual may make any contribution or contributions to  
22 a candidate for election or nomination to any of the following offices and to any  
23 individual or committee under s. 11.06 (7) acting solely in support of such a candidate  
24 or solely in opposition to the candidate's opponent to the extent of more than a total  
25 of the amounts specified per candidate:

**ASSEMBLY BILL 428****SECTION 72**

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

3           **SECTION 73.** 11.26 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act  
4 109, is repealed and recreated to read:

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

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

13           11.26 **(2)** (a) Candidates for governor, lieutenant governor, secretary of state,  
14 state treasurer, attorney general, state superintendent or justice, 4 percent of the  
15 value of the disbursement level specified in the schedule under s. 11.31 (1).

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

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

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

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

24           11.26 **(3)** The contribution limitations of subs. (1) and (2) apply cumulatively  
25 to the entire primary and election campaign in which a candidate participates,

**ASSEMBLY BILL 428**

1 whether or not there is a contested primary election. The total limitation may be  
2 apportioned in any manner desired between the primary and election. All moneys  
3 cumulate regardless of the time of contribution.

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

6 11.26 (4) No individual may make any contribution or contributions to all  
7 candidates for state and local offices and to any individuals who or committees which  
8 are subject to a registration requirement under s. 11.05, including legislative  
9 campaign committees and committees of a political party, to the extent of more than  
10 a total of \$10,000 in any calendar year.

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

13 11.26 (5) The contribution limits provided in subs. (1) and (4) do not apply to  
14 a candidate who makes any contribution or contributions to his or her own campaign  
15 for office from the candidate's personal funds or property or the personal funds or  
16 property which are owned jointly or as marital property with the candidate's spouse,  
17 with respect to any contribution or contributions made to that candidate's campaign  
18 only. A candidate's personal contributions shall be deposited in his or her campaign  
19 depository account and reported in the normal manner.

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

22 11.26 (6) When a candidate adopts a preexisting support committee as his or  
23 her personal campaign committee, the support committee is deemed to have been the  
24 same committee as the candidate's personal campaign committee for purposes of the  
25 application of subs. (1), (2) and (9). The limitations prescribed in subs. (2) and (9) do



**ASSEMBLY BILL 428****SECTION 81**

1 not apply to the transfer of contributions which is made at the time of such adoption,  
2 but do apply to the contributions which have been made by any other committee to  
3 the support committee at the time of adoption.

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

6 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than  
7 a total of \$150,000 in value of its contributions in any biennium from all other  
8 committees, excluding contributions from legislative campaign committees and  
9 transfers between party committees of the party. In this paragraph, a biennium  
10 commences with January 1 of each odd-numbered year and ends with December 31  
11 of each even-numbered year.

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

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

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

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

22 11.26 (9) (a) No individual who is a candidate for state or local office may receive  
23 and accept more than 65 percent of the value of the total disbursement level  
24 determined under s. 11.31 for the office for which he or she is a candidate during any

**ASSEMBLY BILL 428**

1 primary and election campaign combined from all committees subject to a filing  
2 requirement, including political party and legislative campaign committees.

3 **SECTION 85.** 11.26 (9) (am) of the statutes, as created by 2001 Wisconsin Act  
4 109, is repealed.

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

7 11.26 (9) (b) No individual who is a candidate for state or local office may receive  
8 and accept more than 45 percent of the value of the total disbursement level  
9 determined under s. 11.31 for the office for which he or she is a candidate during any  
10 primary and election campaign combined from all committees other than political  
11 party and legislative campaign committees subject to a filing requirement.

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

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

16 11.26 (10) No candidate for state office who files a sworn statement and  
17 application to receive a grant from the Wisconsin election campaign fund may make  
18 contributions of more than 200 percent of the amounts specified in sub. (1) to the  
19 candidate's own campaign from the candidate's personal funds or property or the  
20 personal funds or property which are owned jointly or as marital property with the  
21 candidate's spouse, unless the board determines that the candidate is not eligible to  
22 receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h),  
23 or s. 11.50 (2) (i) applies. For purposes of this subsection, any contribution received  
24 by a candidate or his or her personal campaign committee from a committee which  
25 is registered with the federal elections commission as the authorized committee of

**ASSEMBLY BILL 428****SECTION 88**

1 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the  
2 candidate to his or her own campaign. The contribution limit of sub. (4) applies to  
3 amounts contributed by such a candidate personally to the candidate's own  
4 campaign and to other campaigns, except that a candidate may exceed the limitation  
5 if authorized under this subsection to contribute more than the amount specified to  
6 the candidate's own campaign, up to the amount of the limitation.

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

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

11 11.26 (15) The fact that 2 or more committees, other than personal campaign  
12 committees, utilize common policies and practices concerning the endorsement of  
13 candidates or agree to make contributions only to such endorsed candidates does not  
14 affect the right of each committee independently to make contributions up to the  
15 amount specified under sub. (2).

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

18 11.26 (17) (a) For purposes of application of the limitations imposed in subs.  
19 (1), (2), (9) and (10), the "campaign" of a candidate begins and ends at the times  
20 specified in this subsection.

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

22 **11.265 Legislative campaign committees. (1)** No more than one legislative  
23 campaign committee may be established by the members of one political party in  
24 each house of the legislature.

**ASSEMBLY BILL 428**

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

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

6           **SECTION 93.** 11.31 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act  
7 109, is repealed and recreated to read:

8           11.31 **(1)** SCHEDULE. (intro.) The following levels of disbursements are  
9 established with reference to the candidates listed below. Except as provided in sub.  
10 (2), such levels do not operate to restrict the total amount of disbursements which  
11 are made or authorized to be made by any candidate in any primary or other election.

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

14           11.31 **(1)** (a) Candidates for governor, \$1,078,200.

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

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

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

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

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

23           11.31 **(1)** (e) Candidates for state senator, \$34,500 total in the primary and  
24 election, with disbursements not exceeding \$21,575 for either the primary or the  
25 election.

**ASSEMBLY BILL 428****SECTION 96**

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

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

6 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general  
7 election who files a sworn statement and application to receive a grant from the  
8 Wisconsin election campaign fund may make or authorize total disbursements from  
9 the campaign treasury in any campaign to the extent of more than the amount  
10 prescribed in sub. (1), unless the board determines that the candidate is not eligible  
11 to receive a grant, the candidate withdraws his or her application under s. 11.50 (2)  
12 (h), or s. 11.50 (2) (i) applies. No candidate for state office at a special election who  
13 files a sworn statement and application to receive a grant from the Wisconsin election  
14 campaign fund may make or authorize total disbursements from the campaign  
15 treasury in any campaign to the extent of more than the amount prescribed under  
16 sub. (1) for the preceding spring or general election for the same office, unless the  
17 board determines that the candidate is not eligible to receive a grant, the candidate  
18 withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies.

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

21 11.31 (2m) VOLUNTARY LIMITATION. Any candidate to whom sub. (2) and s. 11.26  
22 (10) do not apply may file an affidavit with his or her filing officer affirming that he  
23 or she has adhered and will adhere to the limitations imposed under sub. (2) and s.  
24 11.26 during the entire campaign. These limitations apply unless the candidate  
25 withdraws the affidavit by notifying his or her filing officer in writing no later than

**ASSEMBLY BILL 428**

1 the 7th day after the date of the primary in which the person filing the affidavit is  
2 a candidate, or the 7th day after the date that the primary would be held, if no  
3 primary is required.

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

6 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the  
7 limitations imposed under sub. (2), candidates for governor and lieutenant governor  
8 of the same political party who both accept grants from the Wisconsin election  
9 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b)  
10 and reallocate the total level between them. The candidates shall each inform the  
11 board of any such agreement.

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

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

16 **SECTION 102.** 11.38 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act  
17 109, is repealed and recreated to read:

18 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association  
19 may establish and administer a separate segregated fund and solicit contributions  
20 from individuals to the fund to be utilized by such corporation or association, for the  
21 purpose of supporting or opposing any candidate for state or local office but the  
22 corporation or association may not make any contribution to the fund. The fund shall  
23 appoint a treasurer and shall register as a political committee under s. 11.05. A  
24 parent corporation or association engaging solely in this activity is not subject to  
25 registration under s. 11.05, but shall register and file special reports on forms

**ASSEMBLY BILL 428****SECTION 102**

1 prescribed by the board disclosing its administrative and solicitation expenses on  
2 behalf of such fund. A corporation not domiciled in this state need report only its  
3 expenses for administration and solicitation of contributions in this state together  
4 with a statement indicating where information concerning other administration and  
5 solicitation expenses of its fund may be obtained. The reports shall be filed with the  
6 filing officer for the fund specified in s. 11.02 in the manner in which continuing  
7 reports are filed under s. 11.20 (4) and (8).

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

10 11.38 (6) Any individual or campaign treasurer who receives funds in violation  
11 of this section shall promptly return such funds to the contributor or donate the funds  
12 to the common school fund or a charitable organization, at the treasurer's option.

13 **SECTION 104.** 11.38 (8) (b) of the statutes, as affected by 2001 Wisconsin Act  
14 109, is repealed and recreated to read:

15 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making  
16 any disbursement on behalf of a political group which is promoting or opposing a  
17 particular vote at a referendum and prior to accepting any contribution or making  
18 any disbursement to promote or oppose a particular vote at a referendum, a  
19 corporation or association organized under ch. 185 shall register with the  
20 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The  
21 registration form of the corporation or association under s. 11.05 shall designate an  
22 account separate from all other corporation or association accounts as a campaign  
23 depository account, through which all moneys received or expended for the adoption  
24 or rejection of the referendum shall pass. The corporation or association shall file  
25 periodic reports under s. 11.20 providing the information required under s. 11.06 (1).



**ASSEMBLY BILL 428****SECTION 105**

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

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

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

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

9           **SECTION 109.** 11.50 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act  
10 109, is repealed and recreated to read:

11           11.50 (1) (a) 2. With respect to a special election, an individual who is certified  
12 under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or  
13 an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election  
14 for any state office, except district attorney, on the ballot or column of a party whose  
15 candidate for the same office at the preceding general election received at least 6  
16 percent of the vote cast for all candidates on all ballots for the office, or an individual  
17 who has been lawfully appointed and certified to replace either such individual on  
18 the ballot at a special election, or an individual who receives at least 6 percent of the  
19 vote cast for all candidates on all ballots for any state office, except district attorney,  
20 at a partisan special election; and who qualifies for a grant under sub. (2). Where  
21 the boundaries of a district in which an individual seeks office have been changed  
22 since the preceding general election such that it is not possible to calculate the exact  
23 number of votes that are needed by that individual to qualify as an eligible candidate  
24 prior to an election under this subdivision, the number of votes cast for all candidates  
25 for the office at the preceding general election in each ward, combination of wards

**ASSEMBLY BILL 428****SECTION 109**

1 or municipality which is wholly contained within the boundaries of the newly formed  
2 district shall be calculated. If the candidate of the political party on whose ballot or  
3 column the individual appears in the newly formed district obtained at least 6  
4 percent of the number of votes calculated, the individual is deemed to qualify as an  
5 eligible candidate prior to the election under this subdivision.

6 **SECTION 110.** 11.50 (1) (a) 2m. of the statutes, as created by 2001 Wisconsin Act  
7 109, is repealed.

8 **SECTION 111.** 11.50 (1) (am) of the statutes, as created by 2001 Wisconsin Act  
9 109, is repealed.

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

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

14 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may  
15 file an application with the board requesting approval to participate in the fund. The  
16 application shall be filed no later than the applicable deadline for filing nomination  
17 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.  
18 on the 7th day after the primary or date on which the primary would be held if  
19 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day  
20 after appointment in the case of candidates appointed to fill vacancies. The  
21 application shall contain a sworn statement that the candidate and his or her  
22 authorized agents have complied with the contribution limitations prescribed in s.  
23 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to  
24 which such limitations have applied to his or her candidacy and will continue to  
25 comply with the limitations at all times to which the limitations apply to his or her

**ASSEMBLY BILL 428****SECTION 113**

1 candidacy for the office in contest, unless the board determines that the candidate  
2 is not eligible to receive a grant, the candidate withdraws his or her application  
3 under par. (h), or par. (i) applies.

4 **SECTION 114.** 11.50 (2) (b) 3. of the statutes, as affected by 2001 Wisconsin Act  
5 109, is repealed and recreated to read:

6 11.50 (2) (b) 3. The candidate has an opponent who is certified for placement  
7 on the election ballot as a candidate for the same office;

8 **SECTION 115.** 11.50 (2) (b) 4. of the statutes, as affected by 2001 Wisconsin Act  
9 109, is repealed and recreated to read:

10 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as  
11 of the date of the spring or September primary, or the date that the special primary  
12 is or would be held, if required, indicate that his or her statement filed with the  
13 application under par. (a) is true; and

14 **SECTION 116.** 11.50 (2) (b) 5. of the statutes, as affected by 2001 Wisconsin Act  
15 109, is repealed and recreated to read:

16 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
17 of the date of the spring or September primary, or the date that the special primary  
18 is or would be held, if required, indicate that the candidate has received at least the  
19 amount provided in this subdivision, from contributions of money, other than loans,  
20 made by individuals, which have been received during the period ending on the date  
21 of the spring primary and July 1 preceding such date in the case of candidates at the  
22 spring election, or the date of the September primary and January 1 preceding such  
23 date in the case of candidates at the general election, or the date that a special  
24 primary will or would be held, if required, and 90 days preceding such date or the  
25 date a special election is ordered, whichever is earlier, in the case of special election

**ASSEMBLY BILL 428****SECTION 116**

1 candidates, which contributions are in the aggregate amount of \$100 or less, and  
2 which are fully identified and itemized as to the exact source thereof. A contribution  
3 received from a conduit which is identified by the conduit as originating from an  
4 individual shall be considered a contribution made by the individual. Only the first  
5 \$100 of an aggregate contribution of more than \$100 may be counted toward the  
6 required percentage. For a candidate at the spring or general election for an office  
7 identified in s. 11.26 (1) (a) or a candidate at a special election, the required amount  
8 to qualify for a grant is 5 percent of the candidate's authorized disbursement  
9 limitation under s. 11.31. For any other candidate at the general election, the  
10 required amount to qualify for a grant is 10 percent of the candidate's authorized  
11 disbursement limitation under s. 11.31.

12 **SECTION 117.** 11.50 (2) (b) 6. of the statutes, as created by 2001 Wisconsin Act  
13 109, is repealed.

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

16 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the  
17 spring primary, September primary, special primary, or date that the special primary  
18 would be held, if required, which indicate that he or she has met the qualification  
19 under par. (b) 5., the candidate may file a special report with the board. Such report  
20 shall be filed not later than the 7th day after the primary, or 7th day after the date  
21 the primary would be held, if required, and shall include such supplementary  
22 information as to sources of contributions which may be necessary to complete the  
23 candidate's qualification. The special report shall cover the period from the day after  
24 the last date covered on the candidate's most recent report, or from the date on which  
25 the first contribution was received or the first disbursement was made, whichever

**ASSEMBLY BILL 428****SECTION 118**

1 is earlier, if the candidate has not previously filed a report, to the date of such report.

2 All information included on the special report shall also be included in the  
3 candidate's next report under s. 11.20.

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

6 11.50 (2) (f) The board shall inform each candidate in writing of the approval  
7 or disapproval of the candidate's application, as promptly as possible after the date  
8 of the spring primary, September primary, special primary, or date that the primary  
9 would be held, if required. With respect to a candidate at a special election who  
10 applies for a postelection grant under sub. (1) (a) 2., the board shall inform the  
11 candidate in writing of the conditional approval or disapproval of the candidate's  
12 application at the same time.

13 **SECTION 120.** 11.50 (2) (g) of the statutes, as affected by 2001 Wisconsin Act  
14 109, is repealed and recreated to read:

15 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant  
16 in accordance with this subsection accepts and agrees to comply with the  
17 contribution limitations prescribed in s. 11.26 and the disbursement limitations  
18 imposed under s. 11.31 as binding upon himself or herself and his or her agents  
19 during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant  
20 under this section, unless the board determines that the candidate is not eligible to  
21 receive a grant, the candidate withdraws the application under par. (h), or par. (i)  
22 applies.

23 **SECTION 121.** 11.50 (2) (h) of the statutes, as affected by 2001 Wisconsin Act  
24 109, is repealed and recreated to read:

**ASSEMBLY BILL 428****SECTION 121**

1           11.50 (2) (h) An eligible candidate who files an application under par. (a) may  
2 file a written withdrawal of the application. A withdrawal of an application may be  
3 filed with the board no later than the 7th day after the day of the primary in which  
4 the person withdrawing the application is a candidate or the 7th day after the date  
5 that the primary would be held, if required. If an application is withdrawn in  
6 accordance with this paragraph, the person withdrawing the application is no longer  
7 bound by the statement filed under par. (a) after the date of the withdrawal.

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

10           11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring  
11 election or a special nonpartisan election who accepts a grant is opposed by one or  
12 more candidates in the election, or if an eligible candidate at the general election or  
13 a special partisan election who accepts a grant is opposed by one or more candidates  
14 in the election who receive at least 6 percent of the vote cast for all candidates for the  
15 same office on all ballots at the September primary or a special partisan primary if  
16 a primary was held, and in either case if any such opponent of the eligible candidate  
17 does not accept a grant under this section in whole or in part, the eligible candidate  
18 is not bound by the pledge made in his or her application to adhere to the contribution  
19 limitations prescribed in s. 11.26 and the disbursement limitation prescribed under  
20 s. 11.31, unless each such opponent files an affidavit of voluntary compliance under  
21 s. 11.31 (2m).

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

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

**ASSEMBLY BILL 428****SECTION 125**

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

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

4           11.50 (3) NONPARTISAN CANDIDATES. (a) Annually on August 15, all moneys  
5 appropriated to the fund shall be apportioned as follows by the state treasurer:

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

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

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

15          (b) If a vacancy occurs in the office of state superintendent or justice after  
16 August 15 in any year and an election is scheduled to fill the vacancy at the spring  
17 election in the following year, the state treasurer shall transfer an amount not  
18 exceeding 8 percent of the moneys transferred to the fund on the preceding August  
19 15 to the account for the office in which the vacancy occurs, such moneys to be drawn  
20 from any account within the accounts created under sub. (4) in the amount or  
21 amounts specified by the board.

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



**ASSEMBLY BILL 428****SECTION 127**

1           11.50 (4) PARTISAN AND SPECIAL ELECTION CANDIDATES. After apportionment  
2 under sub. (3), the remaining moneys shall constitute the partisan campaign  
3 account.

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

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

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

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

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

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

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

20           (c) The legislative and special election campaign account shall be divided into  
21 a senate campaign account to receive 25 percent of the moneys, and an assembly  
22 campaign account to receive 75 percent of the moneys. Each account shall then be  
23 apportioned between all eligible candidates for the same office in the entire state.

24           No apportionment shall be made by legislative district.

**ASSEMBLY BILL 428****SECTION 127**

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

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

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

15 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the  
16 disbursements to the campaign depository account of each eligible candidate under  
17 subs. (3) and (4) by the end of the 3rd business day following notice from the board  
18 under s. 7.08 (2) (c) or (cm). Eligible candidates for governor and lieutenant governor  
19 of the same political party may combine accounts if desired.

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

22 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each  
23 eligible candidate under subs. (3) and (4) are more than the amount which a  
24 candidate may accept under sub. (9), or more than the amount which a candidate  
25 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

**ASSEMBLY BILL 428****SECTION 130**

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

3           11.50 (7) (intro.) UTILIZATION. Grants distributed under this section may be  
4 utilized only for deposit in a campaign depository account under s. 11.10. Grants may  
5 be expended only for one or more of the following:

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

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

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

18           11.50 (9) LIMITATION ON GRANTS. The total grant available to an eligible  
19 candidate may not exceed that amount which, when added to all other contributions  
20 accepted from sources other than individuals, political party committees and  
21 legislative campaign committees, is equal to 45 percent of the disbursement level  
22 specified for the applicable office under s. 11.31. The board shall scrutinize accounts  
23 and reports and records kept under this chapter to assure that applicable limitations  
24 under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No

**ASSEMBLY BILL 428****SECTION 132**

1 candidate or campaign treasurer may accept grants exceeding the amount  
2 authorized by this subsection.

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

4 11.50 (10) VOLUNTARY LIMITATION. Any eligible candidate may by written  
5 request limit his or her participation in the fund to a lesser amount than that  
6 authorized under sub. (9).

7 **SECTION 134.** 11.50 (10m) of the statutes, as affected by 2001 Wisconsin Act  
8 109, is repealed and recreated to read:

9 11.50 (10m) RETURN OF GRANTS. An individual who receives a grant prior to an  
10 election in which he or she is a candidate and who desires to return any portion of  
11 the grant shall return that portion no later than the 2nd Tuesday in October  
12 preceding a general election, the 4th Tuesday preceding a spring election or the 3rd  
13 Tuesday preceding a special election. A candidate who returns all or any portion of  
14 a grant under this subsection remains bound by the candidate's statement filed  
15 under sub. (2) (a).

16 **SECTION 135.** 11.50 (11) (e) of the statutes, as affected by 2001 Wisconsin Act  
17 109, is repealed and recreated to read:

18 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur  
19 any obligation to expend any grant if he or she violates the pledge required under  
20 sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h)  
21 or (i).

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

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

**ASSEMBLY BILL 428****SECTION 138**

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

3           **11.60 (4)** Actions under this section arising out of an election for state office or  
4 a statewide referendum may be brought by the board or by the district attorney of  
5 the county where the violation is alleged to have occurred, except as specified in s.  
6 11.38. Actions under this section arising out of an election for local office or a local  
7 referendum may be brought by the district attorney of the county where the violation  
8 is alleged to have occurred. Actions under this section arising out of an election for  
9 county office or a county referendum may be brought by the county board of election  
10 commissioners of the county wherein the violation is alleged to have occurred. If a  
11 violation concerns a district attorney or circuit judge or candidate for such offices, the  
12 action shall be brought by the attorney general. If a violation concerns the attorney  
13 general or a candidate for such office, the governor may appoint special counsel  
14 under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent  
15 of the attorney general and need not be a state employee at the time of appointment.

16           **SECTION 139.** 11.61 (1) (a) of the statutes, as affected by 2001 Wisconsin Act  
17 109, is repealed and recreated to read:

18           **11.61 (1) (a)** Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07  
19 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) is guilty of a Class I felony.

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

22           **25.42 Wisconsin election campaign fund.** All moneys appropriated under  
23 s. 20.855 (4) (b) together with all moneys reverting to the state under s. 11.50 (8) and  
24 all gifts, bequests and devises received under s. 11.50 (13) constitute the Wisconsin  
25 election campaign fund, to be expended for the purposes of s. 11.50. All moneys in

**ASSEMBLY BILL 428****SECTION 140**

1 the fund not disbursed by the state treasurer shall continue to accumulate  
2 indefinitely.

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

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

7 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married  
8 couple filing jointly, trust or estate under s. 71.02, not considering the credits under  
9 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (3n), (3s),  
10 (3t), z95b), (5d), (6), and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd),  
11 (2m), (3), (3n), and (3t) and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd),  
12 (2m), (3), (3n), and (3t) and subchs. VIII and IX and payments to other states under  
13 s. 71.07 (7), is less than the tax under this section, there is imposed on that natural  
14 person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02,  
15 an alternative minimum tax computed as follows:

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

18 71.10 (3) CAMPAIGN FUND. (a) Every individual filing an income tax return who  
19 has a tax liability or is entitled to a tax refund may designate \$1 for the Wisconsin  
20 election campaign fund for the use of eligible candidates under s. 11.50. If the  
21 individuals filing a joint return have a tax liability or are entitled to a tax refund,  
22 each individual may make a designation of \$1 under this subsection.

23 (b) The secretary of revenue shall provide a place for those designations on the  
24 face of the individual income tax return and shall provide next to that place a  
25 statement that a designation will not increase tax liability. Annually on August 15,

**ASSEMBLY BILL 428****SECTION 143**

1 the secretary of revenue shall certify to the elections board, the department of  
2 administration and the state treasurer under s. 11.50 the total amount of  
3 designations made during the preceding fiscal year. If any individual attempts to  
4 place any condition or restriction upon a designation, that individual is deemed not  
5 to have made a designation on his or her tax return.

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

8 **SECTION 144.** 71.10 (4) (gw) of the statutes, as created by 2001 Wisconsin Act  
9 109, is repealed.

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

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

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

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

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

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

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

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

20 **SECTION 153.** 2001 Wisconsin Act 109, section 9415 (1zx), as last affected by  
21 2003 Wisconsin Act 39, is repealed.

22 (END)