



(1) NOTE
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1835/1 2
JTK:wlj:rs 2

wanted Res/0
NOW

2005 BILL

(generic)

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 (2m), 11.50 (2s), 11.50 (2w), 11.50 (14), 11.60 (3r),

9 71.07 (6s), 71.10 (4) (gw) and 806.04 (11m); *to renumber* 11.24 (5) and 11.50

10 (1) (a) 1. a.; *to amend* 20.510 (1) (q); *to repeal and recreate* 5.02 (13), 5.05 (2),

11 7.08 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05

12 (1), 11.05 (2), 11.05 (2r), 11.05 (3) (c), 11.05 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05

13 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.),

14 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1),

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1 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.14 (3),
2 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and
3 (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),
4 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.),
5 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8),
6 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.),
7 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m), 11.31 (3), 11.38 (1)
8 (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (1) (a) 2., 11.50 (2) (a), 11.50 (2) (b) 3., 11.50
9 (2) (b) 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50
10 (2) (i), 11.50 (4), 11.50 (5), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (9), 11.50
11 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a), 25.42, 71.08 (1) (intro.) and 71.10
12 (3); **to create** 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3) and 11.50 (10) of the
13 statutes; and **to affect** 2001 Wisconsin Act 109, section 9115 (2v) and (2x), 2001
14 Wisconsin Act 109, section 9115 (2y), 2001 Wisconsin Act 109, section 9132 (4v),
15 2001 Wisconsin Act 109, section 9215 (3v), 2001 Wisconsin Act 109, section 9244
16 (6v), 2001 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin Act
17 109, section 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx); **relating**
18 **to:** deletion of changes to campaign finance and related laws made by 2001
19 Wisconsin Act 109.

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

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(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 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. 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 the Wisconsin election campaign fund (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 fundraising 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

Bill does not affect provisions that permit the Board to allocate up to 40 percent of the amount designated for the Wisconsin Election Campaign Fund (WECF) to provide public information concerning the purpose and effect of WECF

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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. ~~The~~ ^{under the act} designation does not increase an individual's tax liability.

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

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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:

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1 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
2 for state or local office in accordance with s. 11.05 (2g) 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

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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

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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

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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.

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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

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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:

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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.

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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

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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

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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.

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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

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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).

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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

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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:

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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:

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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:

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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

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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.

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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

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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: