



2005 SENATE BILL 538

January 31, 2006 – Introduced by Senators ERPENBACH, CARPENTER, HANSEN, LASSA, MILLER and COGGS, cosponsored by Representatives BLACK, POPE-ROBERTS, TRAVIS, PARISI, TURNER, MOLEPSKE, BERCEAU, LEHMAN, SEIDEL, BOYLE, HEBL, SHERIDAN and VAN AKKEREN. Referred to Committee on Campaign Finance Reform and Ethics.

1 **AN ACT** *to repeal* 11.01 (4m), 11.01 (12s), 11.01 (12w), (13) and (14), 11.01 (17g)
2 and (17r), 11.05 (2r), 11.05 (3) (o), 11.05 (7), 11.06 (1) (cm) and (dm), 11.06 (3m),
3 11.06 (3r), 11.06 (3w), 11.06 (4) (e), 11.06 (11) (bm), 11.20 (8) (am), 11.21 (17),
4 11.26 (1m) and (1t), 11.26 (2) (ae), 11.26 (2) (as), 11.26 (2) (av), 11.26 (2m) and
5 (2t), 11.26 (8n) and (8r), 11.26 (9) (am), 11.26 (9) (c), 11.26 (9m), 11.26 (10a),
6 11.265, 11.31 (2m), 11.385, 11.50 (2) (b) 6., 11.50 (2) (h), 11.50 (2) (i), 11.50 (3),
7 11.60 (3r), 71.07 (6s) and 71.10 (4) (gw); *to renumber* 11.24 (2); *to amend* 8.10
8 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 11.05 (6), 11.05 (12) (title), 11.06 (11) (c),
9 11.50 (11) (a) and 11.50 (13); *to repeal and recreate* 5.02 (13), 5.05 (2), 7.08
10 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m),
11 11.01 (16) (a) 3., 11.05 (1), 11.05 (2), 11.05 (3) (c), 11.05 (3) (m), 11.05 (3) (r), 11.05
12 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06
13 (1) (e), 11.06 (2), 11.06 (2m) (title) and (a), 11.06 (2m) (b) to (d), 11.06 (3) (b)
14 (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07

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1 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.12
2 (8) and (9), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20
3 (2), 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), 11.24 (1w), 11.24
5 (4), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (2) (am), 11.26 (3),
6 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26
7 (12m), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)
8 (de), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.31 (3p), 11.31 (9), 11.38 (1) (a)
9 2., 11.38 (6), 11.38 (8) (b), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (1) (a) 2m., 11.50
10 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (a), 11.50 (2) (b) 3., 11.50 (2) (b) 4.,
11 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (j), 11.50 (2m),
12 11.50 (2s), 11.50 (2w), 11.50 (4), 11.50 (5), 11.50 (6), 11.50 (7) (intro.), 11.50 (8),
13 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.50 (14), 11.60 (4), 11.61 (1) (a), 20.510
14 (1) (q), 25.42, 71.10 (3) and 806.04 (11m); **to create** 7.08 (2) (cs), 11.05 (3) (s),
15 11.05 (5r), 11.12 (2m), 11.26 (2) (ad), 11.26 (2) (au), 11.26 (8m), 11.31 (1m), 11.50
16 (4m), 11.50 (10), 11.60 (3s) and (3t), 13.625 (3m) and 20.855 (4) (ba) of the
17 statutes; and **to affect** 2001 Wisconsin Act 109, section 9115 (2v), (2w) and (2x),
18 2001 Wisconsin Act 109, section 9115 (2y), 2001 Wisconsin Act 109, section 9132
19 (4v), 2001 Wisconsin Act 109, section 9215 (3v), 2001 Wisconsin Act 109, section
20 9244 (6v), 2001 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin
21 Act 109, section 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx);
22 **relating to:** campaign financing, lobbying regulation, designations for the
23 Wisconsin election campaign fund by individuals filing state income tax
24 returns, nonrefundable income tax credits for certain donations to the
25 Wisconsin election campaign fund, candidate time on public broadcasting

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1 television stations and public access channels, statewide voter registration,
2 staffing of the Elections Board, providing exemptions from emergency rule
3 procedures, granting rule-making authority, making appropriations, and
4 providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the income tax laws, the lobbying regulation law, and the staffing of the Elections Board.

2001 Wisconsin Act 109 made comprehensive changes to campaign finance, ethics, lobbying regulation, income tax, public broadcasting, and cable television laws. Most changes made by Act 109 took effect on July 1, 2003. With the exception of provisions requiring candidate time on public broadcasting stations and public access channels at public expense, these provisions were made nonseverable so that if a court found that any of the provisions were unconstitutional all of the provisions would then be invalid. In *Wisconsin Realtors Association et al. v. Ponto et al.*, 299 F. Supp. 2d 889 (2002), the U.S. District Court for the Western District of Wisconsin found that one provision of Act 109 relating to advance reporting of certain independent disbursements before obligations are incurred to make those disbursements violates the First and Fourteenth amendments. This decision apparently precludes enforcement and administration of the Act 109 changes as of December 11, 2002. The Act 109 changes, however, currently remain in the statutes.

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

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

Currently, with certain exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year is potentially subject to requirements to register with the appropriate filing officer and to file campaign finance reports.

Currently, with certain limited exceptions, any individual who accepts and makes or transfers political contributions, or who incurs obligations or makes disbursements for political purposes, and any organization that makes or transfers

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contributions, or that incurs obligations or makes disbursements for political purposes, must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

This bill provides that no individual who or organization which is subject to a registration requirement may make any contribution prior to the date of registration. The bill also provides that no registrant may accept any contribution from any individual who or organization which is subject to a registration requirement prior to the date of registration of that individual or organization.

Currently, a new registrant is generally prohibited from making a contribution or disbursement from property or funds received prior to the date of registration, except that, if a registrant holds property or funds at the time of registration that were not intended for political purposes in connection with an election for state or local office at the time that they were received, the registrant may report the property or funds as received on the date of registration and may then use the property or funds to make a contribution or disbursement.

This bill deletes that exception.

None of the above changes was included in Act 109.

Currently, a nonresident registrant need report only contributions and other income received from sources in this state and disbursements made and obligations incurred with respect to an election for state or local office in this state. This bill deletes this exception.

This change was included in Act 109.

Currently, with certain exceptions, a registrant who or which is required to register with a filing officer in this state must file regular reports identifying contributions received and disbursements made and providing certain other information. However, a committee of a candidate for the U.S. Senate or House of Representatives or a national political party committee need not file reports for any period covered in a report filed by the committee with the Federal Election Commission. In addition, a state political party committee which is registered with the Federal Election Commission and which makes contributions to candidates for national office, as well as contributions to other state political party committees, need not file reports for any period covered by a report filed by the committee with the Federal Election Commission if the Elections Board receives a copy of that report and the committee makes no contributions to any individual who or organization which is required to register with a filing officer under Wisconsin law. This bill deletes these exceptions to state reporting requirements.

The above changes were not included in Act 109.

Reporting thresholds

The bill also provides that an individual who accepts contributions, makes disbursements, or incurs obligations or a group that makes or accepts contributions, makes disbursements, or incurs obligations in connection with one or more referenda is not subject to registration and reporting requirements until the individual or group engages in activity exceeding \$100 cumulatively within a calendar year.

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In addition, the bill permits an individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements only if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

The above changes were included in Act 109.

Electronic filing

Currently, reports under the campaign finance law must be filed by certain dates specified by law and must cover time periods specified by law. Candidates for state office or their personal campaign or authorized support committees and other individuals, committees, and groups supporting or opposing candidates for state office or statewide ballot questions file their reports with the state Elections Board. Each registrant for whom the Elections Board serves as a filing agency and who or that accepts contributions in a total amount or value of \$20,000 or more during a campaign period, or a biennial period for a registrant other than a candidate or personal campaign or support committee, must file reports with the board electronically. Any registrant who or that files a report electronically must also file a copy of the report recorded on a medium prescribed by the board.

This bill requires each committee that is currently required to file its campaign finance reports electronically to file those reports within 24 hours after a reportable transaction occurs. Under the bill, once a registrant becomes subject to an electronic reporting requirement, the requirement continues to apply until a termination report is filed, regardless of the level of continuing financial activity of the registrant. In accordance with current law, the bill also requires registrants who file electronically to file copies of reports, at the times currently prescribed by law, recorded on a medium prescribed by the board. The change applies effective with reports filed on or after the day on which the bill becomes law.

This change was included in Act 109.

Mass media activities

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

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election and by means of communications media, makes any

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communication which includes a reference to a candidate at that election, an office to be filled at that election, or a political party. The bill also requires an individual or organization who or which becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

Act 109 contained similar but not identical provisions.

Special reporting by certain registrants

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the fourteenth day prior to the primary or election. Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the Elections Board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a grant from the Wisconsin election campaign fund (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 75 percent of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports, by electronic mail or facsimile transmission, with the Elections Board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The reports must be filed no later than 24 hours after each disbursement is made, and must include the information that is currently required to be reported pertaining to disbursements made by candidates. The reports must be filed during the period beginning with the date on which a disbursement is made or the seventh day after the applicable primary election or the date on which a primary would be held, if required, whichever is later, and ending with date of the election at which the candidate seeks office.

This bill also creates additional reporting requirements, applicable to certain special interest committees. Under the bill, reporting may be required of any special interest committee, other than a conduit, that receives any contribution, makes any

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disbursement, or incurs any obligation to make a disbursement (as currently defined) independently of a candidate for the purpose of advocating the election or defeat of a clearly identified candidate for a major state office at the general or a special election or any applicable primary election. In addition, reporting may be required of any special interest committee, other than a conduit, that receives any contribution, makes any disbursement, or incurs any obligation to make any other expenditure independently of a candidate for the purpose of making communications, within 60 days of an election and by means of communications media, which include a reference to a candidate at that election, an office to be filled at that election, or a political party. These additional reporting requirements do not apply to communications that are made by a corporation, cooperative, or nonpolitical voluntary association and that are limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers. Under the bill, special interest committees must file these additional reports within 24 hours after a reportable transaction occurs.

Act 109 established similar requirements, but required certain reporting to occur before a transaction was permitted to occur.

Timeliness in filing reports

Currently, where a requirement is imposed under the campaign finance law for filing of a report by a specified date, the requirement may be satisfied by depositing the report with the U.S. Postal Service no later than the date provided by law for receipt of the report.

This bill permits satisfaction of the filing requirement only by delivering a report to the appropriate filing officer or agency on or before the date provided by law for receipt of the report or by depositing the report with the U.S. Postal Service no later than the third day before that date.

This change was included in Act 109.

DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but declines to accept one. A candidate for state office who accepts a grant from the Wisconsin election campaign fund and who agrees to be bound by the disbursement limitation applicable to the office which the candidate seeks may receive a grant equal to 45 percent of that disbursement limitation, less committee contributions accepted by the candidate from committees other than political party and legislative campaign committees, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify.

Current law also imposes registration and financial reporting requirements on committees and individuals making disbursements independently of a candidate in support of or in opposition to a candidate for a state or local office. One requirement is the obligation of the committee or individual to file reports with the appropriate filing officer within 24 hours of making such a disbursement, if the disbursement is

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made less than 15 days before a primary or election and if the cumulative amount of such disbursements exceeds \$20.

This bill does the following:

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

<i>Office</i>	<i>Current Level</i>	<i>Proposed Level</i>
Governor	\$1,078,200	\$2,000,000
Lieutenant governor	323,475	500,000
Attorney general	539,000	700,000
Secretary of state	215,625	250,000
State treasurer	215,625	250,000
Supreme court justice	215,625	300,000
State superintendent	215,625	250,000
State senator	34,500	100,000
Representative to the assembly	17,250	50,000

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

2. It increases the total disbursement limitation for a candidate for partisan office at a general or special election whose name appears on the ballot at a primary election, who receives less than twice as many votes at that election as another candidate for the same office within the same party, and who has an opponent at the general or special election who received at least 6 percent of the votes cast for all candidates for that office at the primary election. Under the bill, the increased disbursement limitation is 120 percent of the amount provided for the candidate receiving the greatest number of votes for that office.

Act 109 did not include this change.

3. It creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2006, in accordance with a formula tied to the “consumer price index” determined by the U.S. Department of Labor.

This change was included in Act 109.

4. It replaces the provision requiring reports of cumulative independent disbursements exceeding \$20 made later than 15 days prior to a primary or election with a provision that requires cumulative independent disbursements *or obligations* exceeding \$20 during that period to be so reported.

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

5. It increases the disbursement limitation of any candidate who accepts a public grant by certain amounts for which matching grants from the Wisconsin election campaign fund are potentially available (see grant eligibility requirements and amounts, below).

Act 109 made similar but not identical changes.

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6. It repeals the procedure by which a candidate who would not otherwise be subject to statutory disbursement limitations may voluntarily agree to comply with these limitations.

Act 109 did not include this change.

7. It repeals the exemption from disbursement and self-contribution limitations that currently apply to any candidate who accepts a grant from the Wisconsin election campaign fund and who is opposed by a major opponent who could have qualified for a grant but declines to accept one. Under the bill, the candidate accepting the grant remains bound by the applicable disbursement limitations.

Act 109 did not include this change.

CONTRIBUTION LIMITATIONS

Under current law, committees other than political party committees and legislative campaign committees are subject to limitations on the amount of contributions made cumulatively to a particular candidate. A committee may contribute up to \$43,238 to a candidate for statewide office. Current law also limits the cumulative amount of contributions that a committee may make annually to a particular political party, limits the cumulative amount of contributions that a political party may accept annually from a particular committee, and limits the aggregate total of contributions that a political party may accept during any biennium from all committees. Currently, a committee may annually contribute up to \$6,000 to a particular political party, a political party may annually accept up to \$6,000 from a particular committee, and a political party may accept up to \$150,000 in contributions from all committees during any biennium.

This bill establishes specified limitations on committee contributions to candidates for statewide office as follows: a) candidates for governor, \$45,000; b) candidates for lieutenant governor, \$15,000; c) candidates for attorney general, \$25,000; and d) candidates for secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court, \$10,000. Under the bill, the limitation on committee contributions to a particular political party, and on the annual amount that a political party may accept from a particular committee, is increased to \$18,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$450,000.

Act 109 included similar changes, but in some cases specified different amounts.

Under current law, the aggregate contributions accepted by a candidate for state or local office from all committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 65 percent of the disbursement level or limitation for the office that the candidate seeks. In addition, the contributions received by a candidate for state or local office from all committees other than political party or legislative campaign committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 45 percent of the disbursement level or limitation for the office that the candidate seeks. This bill provides instead that the aggregate contributions accepted by a candidate

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for state or local office from all political party committees may not exceed the following:

<i>Office</i>	<i>Maximum Amount</i>
Governor	\$400,000
Lieutenant governor	100,000
Attorney general	100,000
Secretary of state, state treasurer, justice of the supreme court, or superintendent of public instruction	50,000
State senator	24,000
Representative to the assembly	12,000
Any other state or local office	20 percent of the value of the total disbursement level for the office

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

In addition, the bill provides that the aggregate contributions received by a candidate for state or local office from all committees other than political party committees may not exceed the following:

<i>Office</i>	<i>Maximum Amount</i>
Governor	\$485,190
Lieutenant governor	145,564
Attorney general	242,550
Secretary of state, state treasurer, justice of the supreme court, or superintendent of public instruction	97,031
State senator	15,525
Representative to the assembly	7,763
Any other state or local office	25 percent of the value of the total disbursement level for the office

Act 109 made different changes to amounts of this limitation.

TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES

Currently, the adherents of any political party in either house of the legislature may organize a "legislative campaign committee" to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative

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office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

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

This change was included in Act 109.

OTHER CONTRIBUTION RESTRICTIONS

This bill creates the following new prohibitions on contributions:

1. It prohibits contributions to incumbents who are seeking reelection to a partisan state office from the first Monday in January of each odd-numbered year through the enactment of the biennial budget act. The prohibition does not apply to contributions made to an incumbent who is subject to a recall election from the date on which the petition for a recall election is filed until the date of the recall election.

This change was included in Act 109.

2. It prohibits any committee from making a contribution to any special interest committee. The prohibition does not apply to a committee that is affiliated with a labor organization that transfers a contribution to another committee that is affiliated with the same labor organization.

Act 109 contained a similar but not identical provision.

3. It prohibits an elective state official or personal campaign committee of an elective state official from soliciting a lobbyist or principal (person who employs a lobbyist) to arrange for another person to make a contribution to that official or personal campaign committee or to another elective state official or the personal campaign committee of that official.

Act 109 did not include this change.

Currently, if a registrant receives a contribution, the registrant must deposit the contribution in its campaign depository account no later than the end of the fifth business day commencing after receipt, unless the registrant returns the contribution before that time. A registrant must report the occupation and principal place of employment of any individual who makes any contribution or contributions to a registrant exceeding \$100 in amount or value cumulatively within a calendar year. This bill provides that whenever a registrant receives a contribution in the form of money the registrant must obtain this information from a contributor, if required, before depositing the contributor's contribution in its campaign depository account. Under the bill, if the registrant does not obtain the required information within the period prescribed for making deposits, the registrant must return the contribution.

Act 109 did not include this change.

CONTRIBUTIONS THROUGH CONDUITS

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount to be transferred and the individual to whom or the organization to which the transfer is made, the contribution is considered to be made by the original contributor for purposes of

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reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining compliance with contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a “conduit” under the law. In most cases, a conduit is required to register and file campaign finance reports unless the conduit does not transfer any contributions to candidates or to personal campaign, legislative campaign, or political party committees.

This bill treats a contribution of money made by an individual that is transferred by a conduit in accordance with current law as a contribution from the individual contributing to the conduit only for purposes of individual contribution limitations and qualification for a grant from the Wisconsin election campaign fund (see below). Under the bill, contributions made by conduits are considered to be committee contributions for purposes of limitations on the amounts of contributions that candidates may accept from committees.

Act 109 did not include this change.

DISPOSITION OF RESIDUAL OR EXCESS FUNDS

Under current law, residual funds remaining when a person who is required to register under the campaign financing law disbands or ceases incurring obligations, making disbursements, or accepting contributions or excess funds received by a registrant that may not be legally expended may generally be used for any lawful political purpose, returned to the original contributors, or donated to a charitable organization or the common school fund.

This bill allows residual or excess funds to be transferred to the Wisconsin election campaign fund.

This change was included in Act 109.

WISCONSIN ELECTION CAMPAIGN FUND***Sources and uses of funds***

Under current law, the Wisconsin election campaign fund is financed through an individual income tax “checkoff.” Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose.

This bill does the following:

1. It increases the amount of the individual income tax checkoff for the Wisconsin election campaign fund from \$1 to \$5, effective for tax returns filed for taxable years beginning on or after January 1 following the day on which the bill becomes law. Under the bill, individuals filing a joint return may separately choose whether to make the \$5 checkoff. The bill also permits individuals to determine whether to designate their checkoffs for a “general account,” which is distributed to all candidates who qualify for a grant, or for the account of an eligible political party, which is distributed to all candidates representing that party who qualify for a grant.

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However, if there are insufficient moneys in these accounts to permit any candidate who qualifies for a grant from receiving the full amount for which the candidate qualifies, the bill provides for the deficiency to be drawn from state general purpose revenue.

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

2. It authorizes the state Elections Board to set aside an amount not exceeding 5 percent of the moneys transferred to the Wisconsin election campaign fund in each year, before distributions are made to candidate office accounts, to provide public information concerning the purpose and effect of the fund and the income tax checkoff for the fund. As part of the public information program, the board must prepare an easily understood description of the purpose and effect of the fund and the tax checkoff. The Department of Revenue is required to include and highlight the description in its income tax preparation instructions related to the tax checkoff.

Act 109 contained similar but not identical provisions.

Grant eligibility requirements and amounts

Under current law, grants from the Wisconsin election campaign fund are available to finance specified campaign expenses of eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To receive a grant, a candidate must file an application with the state Elections Board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least 6 percent of the total votes cast in the primary and have won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least 6 percent of the vote; or b) receive at least 6 percent of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court, or superintendent of public instruction, the amount is 5 percent of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is 10 percent of the authorized disbursement level for the office which the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless at least one of the candidate's opponents who received at least 6 percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not

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accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is that amount which, when added to all other contributions accepted from sources other than individuals, political party committees, and legislative campaign committees, is equal to 45 percent of the authorized disbursement level for the office which the candidate seeks. No grants are available to finance campaign expenses in primary elections.

Currently, the Elections Board must notify the state treasurer that a candidate has qualified to receive a grant as soon as possible after the board is able to determine that the candidate has qualified to receive the grant. The state treasurer then has three business days to transmit the grant to the candidate.

This bill does the following:

1. It provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 3 percent of the authorized disbursement level for the office which the candidate seeks in order to qualify for a grant, but provides that the contributions of \$100 or less from individuals used by a candidate for any state office to determine eligibility for a grant from the Wisconsin election campaign fund must be made by individuals who reside in this state and, in the case of a candidate for legislative office, by individuals at least 50 percent of whom reside in a county having territory within the district in which the candidate seeks office.

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

2. It provides that a candidate who applies for a grant may not accept any contribution from any committee other than a political party committee. If the candidate has accepted any contribution from a committee other than a political party committee during the campaign for the office that the candidate is currently seeking, the candidate must return the contribution to the contributor or donate the contribution to a charitable organization or to the Wisconsin election campaign fund or the common school fund before filing an application for a grant. The candidate may, however, later accept a contribution from a committee other than a political party committee if the candidate is determined by the Elections Board to be ineligible to receive a grant, after the date of that determination.

Act 109 included this change, subject to certain limitations.

3. It provides that the maximum grant that a candidate for state office may receive is the lesser of 45 percent of the authorized disbursement limitation for the office that the candidate seeks, or that amount which, when added to all other contributions accepted by the candidate, is equal to the disbursement limitation for the office that the candidate seeks, unless the candidate qualifies to receive a grant for primary election campaign expenses or a supplemental grant (see below).

Act 109 included other changes to maximum grant amounts.

4. It permits a candidate who qualifies to receive a grant for a general, spring, or special election campaign, who was opposed at the primary election preceding that election by a candidate whose name appeared on the ballot, and who files double the minimum number of nomination paper signatures currently required for the office

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that the candidate seeks, to receive a grant to finance specified primary election campaign expenses. This grant, in combination with the grant received by the candidate for the election campaign, is equal to the lesser of 55 percent of the authorized disbursement limitation for the office that the candidate seeks or that amount which, when added to all other contributions accepted by the candidate, is equal to the disbursement limitation for the office that the candidate seeks, unless the candidate qualifies to receive a supplemental grant (see below).

Act 109 did not include this change.

5. It provides that a candidate who accepts a grant shall receive a supplemental grant in an amount equal to: a) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by an opposing candidate who does not accept a grant; b) the total amount of contributions received by special interest committees for the purpose of opposing the candidate who accepts the grant or supporting that candidate's opponent; and c) the total amount of any independent obligations that are incurred and disbursements that are made by special interest committees in close proximity to the election to oppose that candidate, or to support that candidate's opponent, including any independent obligations incurred or disbursements made by special interest committees in close proximity to the election for the purpose of making certain mass communications to oppose that candidate or to support that candidate's opponent, less disbursements made in payment of obligations previously reported, if that total amount exceeds 10 percent of the disbursement limitation for the office that the candidate seeks to the extent that this amount exceeds the amount of any additional grant provided under b) attributable to contributions received by the committees incurring the obligations or making the disbursements.

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

6. It requires the Elections Board and state treasurer to electronically transmit supplemental grants to qualifying candidates who so request within 24 hours after the candidates qualify to receive the supplemental grants.

Act 109 did not include this change.

PENALTIES FOR VIOLATIONS

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Currently, any person who makes an unlawful contribution is subject to a forfeiture of treble the amount of the unlawful contribution.

Currently, whoever intentionally violates certain provisions of the campaign finance law, such as registration requirements, contribution limitations, the prohibition against making contributions in the name of another person, the prohibition against using contributions for most nonpolitical purposes, and the

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prohibition against filing false reports and statements may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation does not exceed \$100 in amount or value, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both, if the violation exceeds \$100 in amount or value.

This bill provides that if any candidate or committee, other than a conduit, accepts a contribution, makes a disbursement, makes any other expenditure for the purpose of making certain mass media communications (see above) or incurs an obligation to make a disbursement to support or oppose a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, or justice of the supreme court) without first registering and reporting to the extent required under the bill, the offender is subject to a forfeiture of not more than \$500 for each day of violation. The bill also provides that if any of these candidates or committees accepts one or more contributions, makes one or more disbursements, or incurs one or more obligations to make disbursements for such a purpose in an amount that is more or less than the amount reported by that candidate or committee:

1. By more than 5 percent but not more than 10 percent, the candidate or committee must forfeit four times the amount of the difference.

2. By more than 10 percent but not more than 15 percent, the candidate or committee must forfeit six times the amount of the difference.

3. By more than 15 percent, the candidate or committee must forfeit eight times the amount of the difference.

Act 109 did not include this change.

INITIAL APPLICABILITY

All campaign finance changes under the bill apply to elections held on or after the day on which the bill becomes law.

ELECTIONS BOARD

This bill increases the authorized FTE positions for the board by 1.0 GPR campaign finance investigator position and 1.0 GPR auditor position.

This change was included in Act 109.

PUBLIC BROADCASTING TELEVISION STATIONS AND PUBLIC ACCESS CHANNELS

Act 109 requires, effective on July 1, 2003, that free time on public broadcasting television stations and public access channels be provided to candidates for state office. Under current law, the Federal Communications Commission grants licenses for the operation of public broadcasting television stations. Also under current law, a city, village, or town is authorized to grant a franchise to a person that allows that person to operate a cable television system in the city, village, or town. Under the franchise, the person may be required to provide cable television channels that the city, village, or town may use for public, educational, or governmental purposes. A channel that is used exclusively for public, rather than educational or governmental purposes, is commonly referred to as a public access channel. A city, village, or town may operate a public access channel, or a city, village, or town may allow another person to operate the channel. Act 109 also required the Elections Board to promulgate rules that require licensees of public broadcasting stations and

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operators of public access channels to provide a minimum amount of free time to candidates for state office at general, spring, and special elections. The rules must require the same amount of time for each candidate for a particular state office, but may require different amounts of time for different offices. These changes are not affected by the court decision in *Wisconsin Realtors Association v. Ponto* (see above).

This bill repeals these provisions.

NONSEVERABILITY

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that, if any of the following parts of the bill is unconstitutional, then all of the following parts are void: a) parts relating to the reporting of independent obligations and disbursements for mass communications; b) parts relating to the provision of supplemental grants to candidates who are opposed or whose opponents are supported by any independent obligations or disbursements, including those that are reportable under current law; c) parts relating to the reporting of contributions received for the purpose of making such independent disbursements; and d) parts relating to the provision of supplemental grants to candidates who are intended to be opposed or whose opponents are intended to be supported through the use of such contributions.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

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

3 **5.05 (2) AUDITING.** In addition to the facial examination of reports and
4 statements required under s. 11.21 (13), the board shall conduct an audit of reports
5 and statements which are required to be filed with it to determine whether violations
6 of ch. 11 have occurred. The board may examine records relating to matters required
7 to be treated in such reports and statements. The board shall make official note in
8 the file of a candidate, committee, group, or individual under ch. 11 of any error or
9 other discrepancy which the board discovers and shall inform the person submitting
10 the report or statement.

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

13 **7.08 (2) (c)** As soon as possible after the canvass of the spring and September
14 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
15 September, transmit to the state treasurer a certified list of all eligible candidates
16 for state office who have filed applications under s. 11.50 (2) and who the board
17 determines are eligible to receive payments from the Wisconsin election campaign
18 fund. The board shall also electronically transmit a similar list of candidates who
19 the board determines are eligible to receive a grant under s. 11.50 (9) (b), (ba), or (bb)
20 within 24 hours after any candidate qualifies to receive such a grant. Each list shall
21 contain each candidate's name, the mailing address indicated upon the candidate's
22 registration form, the office for which the individual is a candidate and the party or
23 principle which he or she represents, if any.

24 (cm) As soon as possible after the canvass of a special primary, or the date that
25 the primary would be held, if required, transmit to the state treasurer a certified list

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

12 **SECTION 4.** 7.08 (2) (cs) of the statutes is created to read:

13 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the
14 period beginning with the month following certification and ending with the month
15 in which the next certification is made by the board:

16 1. No later than July 1, the name of each political party that qualifies under
17 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
18 state chairperson has filed a request to establish an account for the party under s.
19 11.50 (2s) (a).

20 2. No later than December 15, the name of each political party that qualifies
21 under s. 11.50 (1) (am) 2. as an eligible political party as of the date of the preceding
22 general election and whose state chairperson has filed a written request to establish
23 an account for the party under s. 11.50 (2s) (a).

24 **SECTION 5.** 8.10 (3) (intro.) of the statutes is amended to read:

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1 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall
2 be appended to each nomination paper. The Except as otherwise required under s.
3 11.50 (4m) for a candidate who seeks a grant from the Wisconsin election campaign
4 fund, the number of required signatures on nomination papers filed under this
5 section is as follows:

6 **SECTION 6.** 8.15 (6) (intro.) of the statutes is amended to read:

7 8.15 (6) (intro.) The Except as otherwise required under s. 11.50 (4m) for a
8 candidate who seeks a grant from the Wisconsin election campaign fund, the number
9 of required signatures on nomination papers shall be as follows:

10 **SECTION 7.** 8.20 (4) of the statutes is amended to read:

11 8.20 (4) The Except as otherwise required under s. 11.50 (4m) for a candidate
12 who seeks a grant from the Wisconsin election campaign fund, the number of
13 required signatures on nomination papers for independent candidates shall be the
14 same as the number specified in s. 8.15 (6). For independent presidential electors
15 intending to vote for the same candidates for president and vice president, the
16 number of required signatures shall be not less than 2,000 nor more than 4,000
17 electors.

18 **SECTION 8.** 8.30 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is
19 repealed and recreated to read:

20 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
21 for state or local office in accordance with s. 11.05 (2g) by the applicable deadline for
22 filing nomination papers by the candidate, or the deadline for filing a declaration of
23 candidacy for an office for which nomination papers are not filed, the name of the
24 candidate may not appear on the ballot. This subsection may not be construed to

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1 exempt a candidate from applicable penalties if he or she files a registration
2 statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

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

5 8.35 (4) (a) 1. a. If the former candidate was a partisan candidate, donated to
6 the former candidate's local or state political party, donated to a charitable
7 organization, or transferred to the board for deposit in the Wisconsin election
8 campaign fund, as instructed by the former candidate or, if the candidate left no
9 instruction, by the former candidate's next of kin; or

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

14 **SECTION 10.** 8.35 (4) (c) and (d) of the statutes, as affected by 2001 Wisconsin
15 Act 109, are repealed and recreated to read:

16 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
17 made and reported to the appropriate filing officer by the former candidate's
18 campaign treasurer. If the former candidate is deceased and was serving as his or
19 her own campaign treasurer, the former candidate's petitioner or personal
20 representative shall make the transfer and file the report. The report shall be made
21 in the manner provided under s. 11.21 (16), if applicable, or otherwise at the
22 appropriate interval under s. 11.20 (2) or (4) and shall include a complete statement
23 of all contributions, disbursements, and incurred obligations pursuant to s. 11.06 (1)
24 covering the period from the day after the last date covered on the former candidate's
25 most recent report to the date of disposition.

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1 (d) The newly appointed candidate shall file his or her report in the manner
2 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate
3 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed
4 candidate shall include any transferred moneys in his or her first report.

5 **SECTION 11.** 11.001 (2m) of the statutes, as created by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

7 11.001 (2m) The legislature finds a compelling justification for minimal
8 disclosure of all communications made near the time of an election that include a
9 reference to a candidate at that election, an office to be filled at that election, or a
10 political party in order to permit increased funding for candidates who are affected
11 by those communications. This minimal disclosure burden is outweighed by the need
12 to establish an effective funding mechanism for affected candidates to effectively
13 respond to communications that may impact an election.

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

16 **SECTION 13.** 11.01 (12s) of the statutes is repealed.

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

19 **SECTION 15.** 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.01 (16) (a) 3. A communication that is made by means of one or more
22 communications media, other than a communication that is exempt from reporting
23 under s. 11.29, that is made during the period beginning on the 60th day preceding
24 an election and ending on the date of that election and that includes a reference to
25 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on

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1 the ballot at that election, a reference to an office to be filled at that election, or a
2 reference to a political party.

3 **SECTION 16.** 11.01 (17g) and (17r) of the statutes, as created by 2001 Wisconsin
4 Act 109, are repealed.

5 **SECTION 17.** 11.05 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

7 11.05 (1) COMMITTEES AND GROUPS. (a) Except as provided in s. 9.10 (2) (d), every
8 committee, other than a personal campaign committee, that makes or accepts
9 contributions, incurs obligations, or makes disbursements in a calendar year in an
10 aggregate amount in excess of \$25 shall file a statement with the appropriate filing
11 officer giving the information required by sub. (3). In the case of any committee other
12 than a personal campaign committee, the statement shall be filed by the treasurer.
13 A personal campaign committee shall register under sub. (2g).

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

18 **SECTION 18.** 11.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.05 (2) INDIVIDUALS. (a) Except as provided in s. 9.10 (2) (d), every individual,
21 other than a candidate or agent of a candidate, who accepts contributions, incurs
22 obligations, or makes disbursements with respect to one or more elections for state
23 or local office in a calendar year in an aggregate amount in excess of \$25 shall file
24 a statement with the appropriate filing officer giving the information required by
25 sub. (3). An individual who guarantees a loan on which an individual, committee or

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1 group subject to a registration requirement defaults is not subject to registration
2 under this subsection solely as a result of such default.

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

7 **SECTION 19.** 11.05 (2r) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is repealed.

9 **SECTION 20.** 11.05 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 11.05 (3) (c) In the case of a committee, a statement as to whether the
12 committee is a personal campaign committee, a political party committee, a support
13 committee, or a special interest committee.

14 **SECTION 21.** 11.05 (3) (m) of the statutes, as created by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 11.05 (3) (m) In the case of a personal campaign committee, the name of the
17 candidate on whose behalf the committee was formed or intends to operate and the
18 office or offices that the candidate seeks.

19 **SECTION 22.** 11.05 (3) (o) of the statutes is repealed.

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

22 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
23 candidate, the telephone number or numbers and a facsimile transmission number
24 or electronic mail address, if any, at which the candidate may be contacted.

25 **SECTION 24.** 11.05 (3) (s) of the statutes is created to read:

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1 11.05 (3) (s) In the case of a registrant that has made a communication
2 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
3 11.06 (1) with respect to any obligation to make a disbursement incurred or any
4 disbursement made for the purpose of making such a communication prior to
5 registration.

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

8 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
9 submitted in a statement of registration shall be reported by the registrant to the
10 appropriate filing officer within 10 days following the change. This period does not
11 apply in case of change of an indication made under s. 11.06 (2m), which shall be
12 reported no later than the date that a registrant is subject to a filing requirement
13 under s. 11.06 (2m). Any such change may be reported only by the individual or by
14 the officer who has succeeded to the position of an individual who signed the original
15 statement; but in the case of a personal campaign committee, a candidate or
16 campaign treasurer may report a change in the statement except as provided in s.
17 11.10 (2), and in the case of any other committee or group, the chief executive officer
18 or treasurer indicated on the statement may report a change. If a preexisting support
19 committee is adopted by a candidate as his or her personal campaign committee, the
20 candidate shall file an amendment to the committee's statement under this
21 subsection indicating that all information contained in the statement is true, correct
22 and complete.

23 **SECTION 26.** 11.05 (5r) of the statutes is created to read:

24 11.05 (5r) CONTRIBUTION PRIOR TO REGISTRATION PROHIBITED. (a) Except as
25 provided in sub. (13), no person, committee, or group subject to a registration

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1 requirement may make any contribution prior to the date of registration under this
2 section.

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

6 **SECTION 27.** 11.05 (6) of the statutes is amended to read:

7 11.05 (6) CONTRIBUTION OR DISBURSEMENT FROM PREEXISTING ASSETS PROHIBITED.

8 Except as provided in ~~subs. (7) and sub.~~ (13), no person, committee, or group subject
9 to a registration requirement may make any contribution or disbursement from
10 property or funds received prior to the date of registration under this section.

11 **SECTION 28.** 11.05 (7) of the statutes is repealed.

12 **SECTION 29.** 11.05 (9) (title) of the statutes, as affected by 2001 Wisconsin Act
13 109, is repealed and recreated to read:

14 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

15 **SECTION 30.** 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

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

22 **SECTION 31.** 11.05 (12) (title) of the statutes is amended to read:

23 11.05 (12) (title) TIME OF REGISTRATION; ACCEPTANCE OF UNLAWFUL CONTRIBUTIONS.

24 **SECTION 32.** 11.05 (12) (b) of the statutes, as affected by 2001 Wisconsin Act
25 109, is repealed and recreated to read:

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

10 **SECTION 33.** 11.05 (13) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

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

19 **SECTION 34.** 11.06 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

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

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1 incurred. Each report shall contain the following information, covering the period
2 since the last date covered on the previous report, unless otherwise provided:

3 **SECTION 35.** 11.06 (1) (cm) and (dm) of the statutes, as created by 2001
4 Wisconsin Act 109, are repealed.

5 **SECTION 36.** 11.06 (1) (e) of the statutes, as affected by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

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

11 **SECTION 37.** 11.06 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

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

22 **SECTION 38.** 11.06 (2m) (title) and (a) of the statutes, as affected by 2001
23 Wisconsin Act 109, are repealed and recreated to read:

24 11.06 (2m) (title) GENERAL REPORTING EXEMPTIONS. (a) Any person, committee,
25 or group, other than an individual or committee required to file an oath under sub.

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1 (7), who or which does not anticipate accepting contributions, making
2 disbursements, or incurring obligations in an aggregate amount in excess of \$1,000
3 in a calendar year and does not anticipate accepting any contribution or
4 contributions from a single source, other than contributions made by a candidate to
5 his or her own campaign, exceeding \$100 in that year may indicate on its registration
6 statement that the person, committee, or group will not accept contributions, incur
7 obligations, or make disbursements in the aggregate in excess of \$1,000 in any
8 calendar year and will not accept any contribution or contributions from a single
9 source, other than contributions made by a candidate to his or her own campaign,
10 exceeding \$100 in any calendar year. Any registrant making such an indication is
11 not subject to any filing requirement if the statement is true. The registrant need
12 not file a termination report. A registrant not making such an indication on a
13 registration statement is subject to a filing requirement. The indication may be
14 revoked and the registrant is then subject to a filing requirement as of the date of
15 revocation, or the date that aggregate contributions, disbursements, or obligations
16 for the calendar year exceed \$1,000, or the date on which the registrant accepts any
17 contribution or contributions exceeding \$100 from a single source, other than
18 contributions made by a candidate to his or her own campaign, during any calendar
19 year, whichever is earlier.

20 **SECTION 39.** 11.06 (2m) (b) to (d) of the statutes, as created by 2001 Wisconsin
21 Act 109, are repealed and recreated to read:

22 11.06 (2m) (b) Any individual or committee who or which is required to file an
23 oath under sub. (7) and who or which accepts contributions, makes disbursements,
24 or incurs obligations for the purpose of supporting or opposing one or more
25 candidates for state office and who or which does not anticipate accepting

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1 contributions, making disbursements, or incurring obligations in an aggregate
2 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
3 contribution or contributions from a single source exceeding \$100 in that year may
4 indicate on its registration statement that the individual or committee will not
5 accept contributions, incur obligations, or make disbursements in the aggregate in
6 excess of \$1,000 in any calendar year and will not accept any contribution or
7 contributions from a single source exceeding \$100 in any calendar year. Any
8 registrant making such an indication is not subject to any filing requirement if the
9 statement is true. The registrant need not file a termination report. A registrant not
10 making such an indication on a registration statement is subject to a filing
11 requirement. The indication may be revoked and the registrant is then subject to a
12 filing requirement as of the date of revocation, or the date on which aggregate
13 contributions, disbursements, or obligations for the calendar year exceed \$1,000, or
14 the date on which the registrant accepts any contribution or contributions exceeding
15 \$100 from a single source during any calendar year, whichever is earlier.

16 (c) Any individual or committee who or which is required to file an oath under
17 sub. (7) and who or which accepts contributions, makes disbursements, or incurs
18 obligations for the purpose of supporting or opposing one or more candidates for local
19 office but not for the purpose of supporting or opposing any candidate for state office
20 and who or which does not anticipate accepting contributions, making
21 disbursements, or incurring obligations in an aggregate amount in excess of \$100 in
22 a calendar year may indicate on its registration statement that the individual or
23 committee will not accept contributions, incur obligations, or make disbursements
24 in the aggregate in excess of \$100 in any calendar year and will not accept any
25 contribution or contributions from a single source, other than contributions made by

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1 a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any
2 registrant making such an indication is not subject to any filing requirement if the
3 statement is true. The registrant need not file a termination report. A registrant not
4 making such an indication on a registration statement is subject to a filing
5 requirement. The indication may be revoked and the registrant is then subject to a
6 filing requirement as of the date of revocation, or the date that aggregate
7 contributions, disbursements, or obligations for the calendar year exceed \$100,
8 whichever is earlier.

9 (d) If a revocation by a registrant under this subsection is not timely, the
10 registrant violates s. 11.27 (1).

11 **SECTION 40.** 11.06 (3) (b) (intro.) of the statutes, as affected by 2001 Wisconsin
12 Act 109, is repealed and recreated to read:

13 11.06 (3) (b) (intro.) A nonresident registrant that makes a report under sub.
14 (1) shall ensure that the report separately states information under sub. (1)
15 concerning all of the following, in a manner prescribed by the board:

16 **SECTION 41.** 11.06 (3m) of the statutes is repealed.

17 **SECTION 42.** 11.06 (3r) of the statutes is repealed.

18 **SECTION 43.** 11.06 (3w) of the statutes is repealed.

19 **SECTION 44.** 11.06 (4) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a
22 contribution must be reported as received and accepted on the date received. This
23 paragraph applies notwithstanding the fact that the contribution is not deposited in
24 a campaign depository account by the closing date for a reporting period as provided
25 in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

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1 **SECTION 45.** 11.06 (4) (e) of the statutes is repealed.

2 **SECTION 46.** 11.06 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
3 is repealed and recreated to read:

4 11.06 (5) **REPORT MUST BE COMPLETE.** A registered individual or treasurer of a
5 group or committee shall make a good faith effort to obtain all required information.
6 The first report shall commence no later than the date that the first contribution is
7 received and accepted or the first disbursement is made. Each report shall be filed
8 with the appropriate filing officer on the dates designated in s. 11.20 and, if the
9 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The
10 individual or the treasurer of the group or committee shall certify to the correctness
11 of each report. In the case of a candidate, the candidate or treasurer shall certify to
12 the correctness of each report. If a treasurer is unavailable, any person designated
13 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

14 **SECTION 47.** 11.06 (7m) (a) of the statutes, as affected by 2001 Wisconsin Act
15 109, is repealed and recreated to read:

16 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
17 party committee supporting candidates of a political party files an oath under sub.
18 (7) affirming that it does not act in cooperation or consultation with any candidate
19 who is nominated to appear on the party ballot of the party at a general or special
20 election, that the committee does not act in concert with, or at the request or
21 suggestion of, such a candidate, that the committee does not act in cooperation or
22 consultation with such a candidate or agent or authorized committee of such a
23 candidate who benefits from a disbursement made in opposition to another
24 candidate, and that the committee does not act in concert with, or at the request or
25 suggestion of, such a candidate or agent or authorized committee of such a candidate

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1 who benefits from a disbursement made in opposition to another candidate, the
2 committee filing the oath may not make any contributions in support of any
3 candidate of the party at the general or special election or in opposition to any such
4 candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
5 authorized in par. (c).

6 **SECTION 48.** 11.06 (7m) (b) of the statutes, as affected by 2001 Wisconsin Act
7 109, is repealed and recreated to read:

8 11.06 (7m) (b) If the committee has already made contributions in excess of the
9 amounts specified in s. 11.26 (2) at the time that it files an oath under sub. (7), each
10 candidate to whom contributions are made shall promptly return a sufficient amount
11 of contributions to bring the committee into compliance with this subsection and the
12 committee may not make any additional contributions in violation of this subsection.

13 **SECTION 49.** 11.06 (7m) (c) of the statutes, as affected by 2001 Wisconsin Act
14 109, is repealed and recreated to read:

15 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
16 its status to a political party committee may do so as of December 31 of any
17 even-numbered year. Section 11.26 does not apply to contributions received by such
18 a committee prior to the date of the change. Such a committee may change its status
19 at other times only by filing a termination statement under s. 11.19 (1) and
20 reregistering as a newly organized committee under s. 11.05.

21 **SECTION 50.** 11.06 (11) (bm) of the statutes, as created by 2001 Wisconsin Act
22 109, is repealed.

23 **SECTION 51.** 11.06 (11) (c) of the statutes is amended to read:

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1 11.06 (11) (c) A contribution of money received from a conduit, accompanied by
2 the information required under par. (a), is considered to be a contribution from the
3 original contributor for the purposes of ss. 11.26 (1) and (4) and 11.50 (2) (b) 5.

4 **SECTION 52.** 11.07 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
5 is repealed and recreated to read:

6 11.07 (1) Every nonresident committee or group making contributions and
7 every nonresident individual, committee, or group making disbursements exceeding
8 the amount specified in s. 11.05 (1) or (2) in a calendar year within this state shall
9 file the name, mailing and street address and the name and the mailing and street
10 address of a designated agent within the state with the office of the secretary of state.
11 An agent may be any adult individual who is a resident of this state. After any
12 change in the name or address of such agent the new address or name of the successor
13 agent shall be filed within 30 days. Service of process in any proceeding under this
14 chapter or ch. 12, or service of any other notice or demand may be made upon such
15 agent.

16 **SECTION 53.** 11.07 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
17 is repealed and recreated to read:

18 11.07 (5) Any campaign treasurer or individual who knowingly receives a
19 contribution made by an unregistered nonresident in violation of this section may
20 not use or expend such contribution but shall immediately return it to the source or
21 at the option of the campaign treasurer or individual, donate the contribution to a
22 charitable organization or to the common school fund or transfer the contribution to
23 the board for deposit in the Wisconsin election campaign fund.

24 **SECTION 54.** 11.09 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
25 is repealed and recreated to read:

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1 11.09 (3) Each registrant whose filing officer is the board, who or which makes
2 disbursements in connection with elections for offices which serve or referenda
3 which affect only one county or portion thereof, except a candidate, personal
4 campaign committee, political party committee, or other committee making
5 disbursements in support of or in opposition to a candidate for state senator,
6 representative to the assembly, court of appeals judge, or circuit judge, shall file a
7 duplicate original of each financial report filed with the board with the county clerk
8 or board of election commissioners of the county in which the elections in which the
9 registrant participates are held. Such reports shall be filed no later than the dates
10 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
11 subsection does not apply to a registrant who or which files reports under s. 11.21
12 (16).

13 **SECTION 55.** 11.10 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
14 is repealed and recreated to read:

15 11.10 (1) Each candidate in an election shall appoint one campaign treasurer.
16 Except as provided in s. 11.14 (3), each candidate shall designate one campaign
17 depository account within 5 business days after the candidate receives his or her first
18 contribution and before the candidate makes or authorizes any disbursement in
19 behalf of his or her candidacy. If a candidate adopts a preexisting support committee
20 as his or her personal campaign committee, the candidate shall make such
21 designation within 5 business days of adoption. The person designated as campaign
22 treasurer shall be the treasurer of the candidate's personal campaign committee, if
23 any. The candidate may appoint himself or herself or any other elector as campaign
24 treasurer. A registration statement under s. 11.05 (2g) must be filed jointly by every
25 candidate and his or her campaign treasurer. The candidate does not qualify for

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1 ballot placement until this requirement is met. Except as authorized under s. 11.06
2 (5), the campaign treasurer or candidate shall certify as to the correctness of each
3 report required to be filed, and the candidate bears the responsibility for the accuracy
4 of each report for purposes of civil liability under this chapter, whether or not the
5 candidate certifies it personally.

6 **SECTION 56.** 11.12 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
9 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
10 expended. The contribution shall be donated to the common school fund or to any
11 charitable organization or transferred to the board for deposit in the Wisconsin
12 election campaign fund, at the option of the treasurer.

13 **SECTION 57.** 11.12 (2m) of the statutes is created to read:

14 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in
15 the form of money that is made by an individual who has made contributions to the
16 registrant cumulatively within a calendar year exceeding \$100 in amount or value,
17 and the contributor has not provided to the treasurer the information required under
18 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before
19 depositing the contribution in the campaign depository account. If the treasurer does
20 not receive the information within the period prescribed under s. 11.14 (1), the
21 treasurer shall return the contribution to the contributor.

22 **SECTION 58.** 11.12 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.12 (4) Each registrant shall report contributions, disbursements, and
25 incurred obligations in accordance with s. 11.20 and, if the registrant files reports

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1 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
2 11.06 (2), each report shall contain the information which is required under s. 11.06
3 (1).

4 **SECTION 59.** 11.12 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
5 is repealed and recreated to read:

6 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
7 received by a candidate for state office or by a committee or individual from a single
8 contributor later than 15 days prior to a primary or election such that they are not
9 included in the preprimary or preelection report submitted under s. 11.20 (3), the
10 treasurer of the committee or the individual receiving the contribution shall, within
11 24 hours of receipt, inform the appropriate filing officer of the information required
12 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
13 also be included in the treasurer's or individual's next regular report. For purposes
14 of the reporting requirement under this subsection, only contributions received
15 during the period beginning with the day after the last date covered on the
16 preprimary or preelection report, and ending with the day before the primary or
17 election need be reported. This subsection does not apply to a registrant who or
18 which files reports under s. 11.21 (16).

19 **SECTION 60.** 11.12 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 11.12 (6) (a) If an individual or committee incurs an obligation or makes a
22 disbursement of more than \$20 cumulatively to advocate the election or defeat of a
23 clearly identified candidate later than 15 days prior to a primary or election in which
24 the candidate's name appears on the ballot without cooperation or consultation with
25 a candidate or agent or authorized committee of a candidate who is supported or

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1 whose opponent is opposed, and not in concert with or at the request or suggestion
2 of such a candidate, agent or committee, the individual or treasurer of the committee
3 shall, within 24 hours after incurring the obligation or making the disbursement,
4 inform the appropriate filing officer of the information required under s. 11.06 (1) in
5 such manner as the board may prescribe. For purposes of this paragraph, obligations
6 and disbursements cumulate beginning with the day after the last date covered on
7 the preprimary or preelection report and ending with the day before the primary or
8 election. Upon receipt of a report under this paragraph, the filing officer shall, within
9 24 hours of receipt, mail a copy of the report to all candidates for any office in support
10 of or opposition to one of whom an incurred obligation or disbursement identified in
11 the report is incurred or made. A committee that files a report pertaining to a
12 disbursement under par. (c) is not required to file a report pertaining to the same
13 disbursement under this paragraph. This paragraph does not apply to a committee
14 that files reports under s. 11.21 (16).

15 (c) 1. If any committee identified under s. 11.05 (3) (c) as a special interest
16 committee, other than a conduit, receives any contribution, makes any
17 disbursement, or incurs any obligation to make a disbursement for the purpose of
18 advocating the election or defeat of a clearly identified candidate for a state office
19 specified in s. 11.31 (1) (a) to (de), (e), or (f) at the general or a special election, or any
20 such candidate who seeks a nomination for such an office at a primary election, or
21 for a purpose described in s. 11.01 (16) (a) 3., without cooperation or consultation with
22 a candidate or agent or authorized committee of a candidate who is supported or
23 whose opponent is opposed, and not in concert with or at the request or suggestion
24 of such a candidate, agent, or committee, the committee shall report to the board
25 within 24 hours thereafter, in such manner as the board may prescribe, the name of

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1 each candidate who is supported or whose opponent is opposed and the total amount
2 of contributions received, disbursements made, and obligations incurred for such a
3 purpose in support of or opposition to that candidate.

4 2. A committee which is required to file reports under this paragraph shall also
5 report to the board, together with its report under subd. 1., in such manner as the
6 board may prescribe, the amount and date of each contribution received,
7 disbursement made, or obligation incurred for the purpose of advocating the election
8 or defeat of a candidate specified in this paragraph in the manner specified in this
9 paragraph, and the name of the candidate in support of or in opposition to whom the
10 contribution was received, disbursement made, or obligation incurred.

11 3. A committee which files a report under this paragraph concerning a
12 disbursement is not required to file a report pertaining to the same disbursement
13 under par. (a).

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

16 **SECTION 61.** 11.12 (8) and (9) of the statutes, as created by 2001 Wisconsin Act
17 109, are repealed and recreated to read:

18 11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
19 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
20 candidate has accumulated cash in his or her campaign depository account or has
21 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
22 a combined total of 75 percent of the amount specified in s. 11.31 (1) (a) to (de), (e),
23 or (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks, that
24 candidate or the candidate's personal campaign committee shall file daily reports
25 with the board and with each candidate whose name is certified to appear on the

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1 ballot for the office in connection with which the disbursement is made, by electronic
2 mail or facsimile transmission, on each day beginning with that date or the 7th day
3 after the primary election or the date that a primary would be held, if required,
4 whichever is later, and ending on the date of the election at which the candidate seeks
5 office. Each report shall contain information pertaining to each disbursement made
6 by the candidate or committee and shall be filed no later than 24 hours after that
7 disbursement is made. Each report shall include the same information concerning
8 each disbursement that is required to be reported for other disbursements under s.
9 11.06 (1). The information shall also be included in the next regular report of the
10 candidate or committee under s. 11.20.

11 (9) Whenever a report is required to be filed with a candidate by electronic mail
12 or facsimile transmission under this section, the report shall be filed at the address
13 or number of the candidate or personal campaign committee as shown on the
14 registration statement of the candidate or committee. If no electronic mail address
15 or facsimile transmission number is shown, the report shall be filed at the mailing
16 address shown on the statement.

17 **SECTION 62.** 11.14 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own
20 campaign treasurer and who is authorized to make and makes an indication on his
21 or her registration statement under s. 11.06 (2m) that he or she will not accept
22 contributions, make disbursements, or incur obligations in an aggregate amount
23 exceeding \$1,000 in a calendar year, and will not accept any contribution or
24 contributions from a single source, other than contributions made by the candidate
25 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single

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1 personal account as his or her campaign depository account, and may intermingle
2 personal and other funds with campaign funds. If a separate depository account is
3 later established by the candidate, the candidate shall transfer all campaign funds
4 in the personal account to the new depository account. Disbursements made from
5 such personal account need not be identified in accordance with s. 11.16 (3).

6 **SECTION 63.** 11.16 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
9 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
10 credit card receipt bearing on the face the name of the remitter. No treasurer may
11 accept a contribution made in violation of this subsection. The treasurer shall
12 promptly return the contribution, donate the contribution to the common school fund
13 or to a charitable organization, or transfer the contribution to the board for deposit
14 in the Wisconsin election campaign fund in the event that the donor cannot be
15 identified.

16 **SECTION 64.** 11.16 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
17 is repealed and recreated to read:

18 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee or political
19 party committee may, pursuant to a written escrow agreement with more than one
20 candidate, solicit contributions for and conduct a joint fund raising effort or program
21 on behalf of more than one named candidate. The agreement shall specify the
22 percentage of the proceeds to be distributed to each candidate by the committee
23 conducting the effort or program. The committee shall include this information in
24 all solicitations for the effort or program. All contributions received and
25 disbursements made by the committee in connection with the effort or program shall

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1 be received and disbursed through a separate depository account under s. 11.14 (1)
2 that is identified in the agreement. For purposes of s. 11.06 (1), the committee
3 conducting the effort or program shall prepare a schedule in the form prescribed by
4 the board supplying all required information under s. 11.06 (1) and items qualifying
5 for exclusion under s. 11.31 (6) for the effort or program, and shall transmit a copy
6 of the schedule to each candidate who receives any of the proceeds within the period
7 prescribed in s. 11.06 (4) (c).

8 **SECTION 65.** 11.19 (title) of the statutes is repealed and recreated to read:

9 **11.19 (title) Carry-over of surplus funds; dissolution of registrants;**
10 **termination reports.**

11 **SECTION 66.** 11.19 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.19 (1) Whenever any registrant disbands or determines that obligations will
14 no longer be incurred, and contributions will no longer be received nor disbursements
15 made during a calendar year, and the registrant has no outstanding incurred
16 obligations, the registrant shall file a termination report with the appropriate filing
17 officer. Such report shall indicate a cash balance on hand of zero at the end of the
18 reporting period and shall indicate the disposition of residual funds. Residual funds
19 may be used for any political purpose not prohibited by law, returned to the donors
20 in an amount not exceeding the original contribution, transferred to the board for
21 deposit in the Wisconsin election campaign fund, or donated to a charitable
22 organization or the common school fund. The report shall be filed and certified as
23 were previous reports, and shall contain the information required by s. 11.06 (1). A
24 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
25 subsection with a termination report filed under this subsection. If a termination

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1 report or suspension report under sub. (2) is not filed, the registrant shall continue
2 to file periodic reports with the appropriate filing officer, no later than the dates
3 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later
4 than the times specified in s. 11.21 (16). This subsection does not apply to any
5 registrant making an indication under s. 11.06 (2m).

6 **SECTION 67.** 11.20 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.20 (1) All reports required by s. 11.06 which relate to activities which
9 promote or oppose candidates for state office or statewide referenda and all reports
10 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
11 relate to activities which promote or oppose candidates for local office or local
12 referenda shall be filed with the appropriate filing officer under s. 11.02, except
13 reports filed under s. 11.08. Each registrant shall file the reports required by this
14 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
15 electronically the same information that is reportable under this section, the
16 registrant shall, in addition, file the reports required by this section recorded on a
17 medium specified by the board.

18 **SECTION 68.** 11.20 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.20 (2) Preprimary and preelection reports under s. 11.06 (1) shall be
21 received by the appropriate filing officer no earlier than 14 days and no later than
22 8 days preceding the primary and the election.

23 **SECTION 69.** 11.20 (7) of the statutes, as affected by 2001 Wisconsin Act 109,
24 is repealed and recreated to read:

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1 11.20 (7) Except as otherwise required under s. 11.21 (16), in the event that any
2 report is required to be filed under this chapter on a nonbusiness day, it may be filed
3 on the next business day thereafter.

4 **SECTION 70.** 11.20 (8) (intro.) of the statutes, as affected by 2001 Wisconsin Act
5 109, is repealed and recreated to read:

6 11.20 (8) (intro.) Reports filed under subs. (2), (4), and (4m) shall include all
7 contributions received and transactions made as of the end of:

8 **SECTION 71.** 11.20 (8) (a) of the statutes, as affected by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

10 11.20 (8) (a) The 15th day preceding the primary or election in the case of the
11 preprimary and preelection report.

12 **SECTION 72.** 11.20 (8) (am) of the statutes, as created by 2001 Wisconsin Act
13 109, is repealed.

14 **SECTION 73.** 11.20 (9) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 11.20 (9) Except as provided in ss. 11.06 (2m) and 11.19 (2), the duty to file
17 reports under this section continues until a termination report is filed in accordance
18 with s. 11.19.

19 **SECTION 74.** 11.20 (10) (a) of the statutes, as affected by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.20 (10) (a) Where a requirement is imposed under this section for the filing
22 of a financial report which is to be received by the appropriate filing officer no later
23 than a certain date, the requirement may be satisfied either by actual receipt of the
24 report by the prescribed time for filing at the office of the filing officer, or by filing a
25 report with the U.S. postal service by 1st class mail with sufficient prepaid postage,

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1 addressed to the appropriate filing officer, no later than the 3rd day before the date
2 provided by law for receipt of such report.

3 **SECTION 75.** 11.20 (12) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
6 to file the reports required by this chapter does not cease. Except as provided in ss.
7 11.06 (2m) and 11.19 (2), a registrant who makes or receives no contributions, makes
8 no disbursements or incurs no obligations shall so report on the dates designated in
9 subs. (2) and (4).

10 **SECTION 76.** 11.21 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

12 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
13 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
14 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
15 addressed to the attention of the treasurer or other person indicated on the
16 registration statement. Forms need not be sent to a registrant who has made an
17 indication that aggregate contributions, disbursements, and obligations will not
18 exceed the amount specified under s. 11.06 (2m) or to a registrant who has been
19 granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by the
20 board to a registrant if the registrant is required to file reports with the board in an
21 electronic format. Whenever any notice of filing requirements under this chapter is
22 sent to a candidate's campaign treasurer, the board shall also send a notice to the
23 candidate if he or she has appointed a separate treasurer. Failure to receive any form
24 or notice does not exempt a registrant from compliance with this chapter.

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1 **SECTION 77.** 11.21 (15) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 **11.21 (15)** Inform each candidate who files an application to become eligible to
4 receive a grant from the Wisconsin election campaign fund of the dollar amount of
5 the applicable disbursement limitation under s. 11.31 (1) or (1m), adjusted as
6 provided under s. 11.31 (9), which applies to the office for which such person is a
7 candidate. Failure to receive the notice required by this subsection does not
8 constitute a defense to a violation of s. 11.27 (1) or 11.31.

9 **SECTION 78.** 11.21 (16) of the statutes, as affected by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 **11.21 (16)** Require each registrant for whom the board serves as filing officer
12 and who or which accepts contributions in a total amount or value of \$20,000 or more
13 during a campaign period to file each campaign finance report that is required to be
14 filed under this chapter in an electronic format, and accept from any other registrant
15 for whom the board serves as a filing officer any campaign finance report that is
16 required to be filed under this chapter in an electronic format. A registrant who or
17 which becomes subject to a requirement to file reports in an electronic format under
18 this subsection shall initially file the registrant's report in an electronic format for
19 the period which includes the date on which the registrant becomes subject to the
20 requirement or, if the registrant is required to report transactions within 24 hours
21 of their occurrence, within 24 hours after the date on which the registrant becomes
22 subject to the requirement. To facilitate implementation of this subsection, the board
23 shall specify, by rule, a type of software that is suitable for compliance with the
24 electronic filing requirement under this subsection. The board shall provide copies
25 of the software to registrants at a price fixed by the board that may not exceed cost.

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1 Each registrant who or which files a report under this subsection in an electronic
2 format shall also file a copy of the report with the board that is recorded on a medium
3 specified by the board. The copy shall be signed by an authorized individual and filed
4 with the board by each registrant no later than the time prescribed for filing of the
5 report under this chapter. If a registrant is a committee, the copy shall be certified
6 by an authorized individual and filed with the board by the registrant no later than
7 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1).
8 If a registrant or other person becomes subject to a requirement to report
9 electronically under this subsection, the registrant or other person shall continue to
10 report electronically regardless of the amount of contributions accepted or
11 expenditures made by the registrant or other person, until a termination report is
12 filed. The board shall provide complete instructions to any registrant who or which
13 files a report under this subsection. In this subsection, the “campaign period” of a
14 candidate, personal campaign committee or support committee begins and ends with
15 the “campaign” of the candidate whose candidacy is supported, as defined in s. 11.26
16 (17), and the “campaign period” of any other registrant begins on January 1 of each
17 odd-numbered year and ends on December 31 of the following year. Section 990.001
18 (4) does not apply to the computation of time permitted for compliance with the filing
19 requirements under this subsection.

20 **SECTION 79.** 11.21 (17) of the statutes, as created by 2001 Wisconsin Act 109,
21 is repealed.

22 **SECTION 80.** 11.22 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.22 (3) Furnish to each registrant prescribed forms for the making of reports
25 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and

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

11 **SECTION 81.** 11.23 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.23 (1) Any group or individual may promote or oppose a particular vote at
14 any referendum in this state. Before making disbursements, receiving
15 contributions, or incurring obligations in excess of \$100 in the aggregate in a
16 calendar year for such purposes, the group or individual shall file a registration
17 statement under s. 11.05 (1) or (2). In the case of a group the name and mailing
18 address of each of its officers shall be given in the statement. Every group and every
19 individual under this section shall designate a campaign depository account under
20 s. 11.14. Every group shall appoint a treasurer, who may delegate authority but is
21 jointly responsible for the actions of his or her authorized designee for purposes of
22 civil liability under this chapter. The appropriate filing officer shall be notified by
23 a group of any change in its treasurer within 10 days of the change under s. 11.05 (5).
24 The treasurer of a group shall certify the correctness of each statement or report
25 submitted by it under this chapter.

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1 **SECTION 82.** 11.23 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
4 or group treasurer may not be used or expended. The contribution shall be donated
5 to the common school fund or to any charitable organization or transferred to the
6 board for deposit in the Wisconsin election campaign fund, at the option of the
7 treasurer.

8 **SECTION 83.** 11.24 (1w) of the statutes, as created by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

10 11.24 (1w) No candidate or personal campaign committee of a candidate who
11 applies for a grant under s. 11.50 may accept any contribution from a committee
12 other than a political party committee.

13 **SECTION 84.** 11.24 (2) of the statutes is renumbered 11.24 (5).

14 **SECTION 85.** 11.24 (4) of the statutes, as created by 2001 Wisconsin Act 109, is
15 repealed and recreated to read:

16 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
17 elective official or to the personal campaign committee or support committee
18 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
19 official's nomination or reelection to the office held by the official during the period
20 beginning on the first Monday of January in each odd-numbered year and ending
21 on the date of enactment of the biennial budget act.

22 (b) Notwithstanding par. (a), a person may make a contribution to an
23 incumbent partisan state elective official against whom a recall petition has been
24 filed during the period beginning on the date that the petition offered for filing is filed

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1 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official
2 resigns at an earlier date under s. 9.10 (3) (c).

3 **SECTION 86.** 11.26 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
4 109, is repealed and recreated to read:

5 11.26 (1) (intro.) No individual, except an individual serving as a conduit, may
6 make any contribution or contributions to a candidate for election or nomination to
7 any of the following offices and to any individual or committee under s. 11.06 (7)
8 acting solely in support of such a candidate or solely in opposition to the candidate's
9 opponent to the extent of more than a total of the amounts specified per candidate:

10 **SECTION 87.** 11.26 (1m) and (1t) of the statutes, as created by 2001 Wisconsin
11 Act 109, are repealed.

12 **SECTION 88.** 11.26 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act
13 109, is repealed and recreated to read:

14 11.26 (2) (intro.) No committee, other than a political party committee, and no
15 individual or committee serving as a conduit, may make any contribution or
16 contributions to a candidate for election or nomination to any of the following offices
17 and to any individual or committee under s. 11.06 (7) acting solely in support of such
18 a candidate or solely in opposition to the candidate's opponent to the extent of more
19 than a total of the amounts specified per candidate:

20 **SECTION 89.** 11.26 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 109,
21 is repealed and recreated to read:

22 11.26 (2) (a) Candidates for governor, \$45,000.

23 **SECTION 90.** 11.26 (2) (ad) of the statutes is created to read:

24 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

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1 **SECTION 91.** 11.26 (2) (ae) of the statutes, as created by 2001 Wisconsin Act 109,
2 is repealed.

3 **SECTION 92.** 11.26 (2) (am) of the statutes, as created by 2001 Wisconsin Act
4 109, is repealed and recreated to read:

5 11.26 (2) (am) Candidates for attorney general, \$25,000.

6 **SECTION 93.** 11.26 (2) (as) of the statutes, as created by 2001 Wisconsin Act 109,
7 is repealed.

8 **SECTION 94.** 11.26 (2) (au) of the statutes is created to read:

9 11.26 (2) (au) Candidates for secretary of state, state treasurer, state
10 superintendent, or justice, \$10,000.

11 **SECTION 95.** 11.26 (2) (av) of the statutes, as created by 2001 Wisconsin Act 109,
12 is repealed.

13 **SECTION 96.** 11.26 (2m) and (2t) of the statutes, as created by 2001 Wisconsin
14 Act 109, are repealed.

15 **SECTION 97.** 11.26 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.26 (3) The contribution limitations of subs. (1) and (2) apply cumulatively
18 to the entire primary and election campaign in which a candidate participates,
19 whether or not there is a contested primary election. The total limitation may be
20 apportioned in any manner desired between the primary and election. All moneys
21 cumulate regardless of the time of contribution.

22 **SECTION 98.** 11.26 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.26 (4) Except as provided in sub. (10), no individual, except an individual
25 serving as a conduit, may make any contribution or contributions to all candidates

SENATE BILL 538**SECTION 98**

1 for state and local offices and to any individuals who or committees which are subject
2 to a registration requirement under s. 11.05, including committees of a political
3 party, to the extent of more than a total of \$10,000 in any calendar year.

4 **SECTION 99.** 11.26 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
5 is repealed and recreated to read:

6 11.26 (5) The contribution limits provided in subs. (1) and (4) do not apply to
7 a candidate who makes any contribution or contributions to his or her own campaign
8 for office from the candidate's personal funds or property or the personal funds or
9 property which are owned jointly or as marital property with the candidate's spouse,
10 with respect to any contribution or contributions made to that candidate's campaign
11 only. A candidate's personal contributions shall be deposited in his or her campaign
12 depository account and reported in the normal manner.

13 **SECTION 100.** 11.26 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
14 is repealed and recreated to read:

15 11.26 (6) When a candidate adopts a preexisting support committee as his or
16 her personal campaign committee, the support committee is deemed to have been the
17 same committee as the candidate's personal campaign committee for purposes of the
18 application of subs. (1), (2), and (9). The limitations prescribed in subs. (2) and (9)
19 do not apply to the transfer of contributions which is made at the time of such
20 adoption, but do apply to the contributions which have been made by any other
21 committee to the support committee at the time of adoption.

22 **SECTION 101.** 11.26 (8) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.26 (8) (a) No political party, as defined in s. 5.02 (13), may receive more than
25 a total of \$450,000 in value of its contributions in any biennium from all other

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1 committees, excluding transfers between party committees of the party. In this
2 paragraph, a biennium commences with January 1 of each odd-numbered year and
3 ends with December 31 of each even-numbered year.

4 (b) No such political party may receive more than a total of \$18,000 in value
5 of its contributions in any calendar year from any specific committee or its subunits
6 or affiliates, excluding political party committees.

7 (c) No committee, other than a political party committee, may make any
8 contribution or contributions, directly or indirectly, to a political party under s. 5.02
9 (13) in a calendar year exceeding a total value of \$18,000.

10 **SECTION 102.** 11.26 (8m) of the statutes is created to read:

11 11.26 (8m) (a) Except as provided in par. (b), no committee may make a
12 contribution to any other committee except a political party, personal campaign, or
13 support committee.

14 (b) Paragraph (a) does not apply to any contribution made by a committee that
15 is affiliated with a labor organization to any other committee that is affiliated with
16 the same labor organization.

17 **SECTION 103.** 11.26 (8n) and (8r) of the statutes, as created by 2001 Wisconsin
18 Act 109, are repealed.

19 **SECTION 104.** 11.26 (9) (a) of the statutes, as affected by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.26 (9) (a) No individual who is a candidate for state or local office may receive
22 and accept more than the following amount during any primary and election
23 campaign combined from political party committees:

- 24 1. For a candidate for the office of governor, \$400,000.
- 25 2. For a candidate for the office of lieutenant governor, \$100,000.

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1 3. For a candidate for the office of attorney general, \$100,000.

2 4. For a candidate for the office of secretary of state, state treasurer, justice, or
3 state superintendent, \$50,000.

4 5. For a candidate for the office of state senator, \$24,000.

5 6. For a candidate for the office of representative to the assembly, \$12,000.

6 7. For a candidate for any other state or local office, 20 percent of the value of
7 the total disbursement level, as determined under s. 11.31 (1) and adjusted as
8 provided under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m),
9 for the office for which he or she is a candidate.

10 **SECTION 105.** 11.26 (9) (am) of the statutes, as created by 2001 Wisconsin Act
11 109, is repealed.

12 **SECTION 106.** 11.26 (9) (b) of the statutes, as affected by 2001 Wisconsin Act
13 109, is repealed and recreated to read:

14 11.26 (9) (b) No individual who is a candidate for state or local office may receive
15 and accept more than the following amount during any primary and election
16 campaign combined from all committees other than political party committees
17 subject to a filing requirement:

18 1. For a candidate for the office of governor, \$485,190.

19 2. For a candidate for the office of lieutenant governor, \$145,564.

20 3. For a candidate for the office of attorney general, \$ 242,550.

21 4. For a candidate for the office of secretary of state, state treasurer, justice, or
22 state superintendent, \$97,031.

23 5. For a candidate for the office of state senator, \$15,525.

24 6. For a candidate for the office of representative to the assembly, \$7,763.

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1 7. For a candidate for any other state or local office, 25 percent of the value of
2 the total disbursement level, as determined under s. 11.31 (1) and as adjusted as
3 provided under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m),
4 for the office for which he or she is a candidate.

5 **SECTION 107.** 11.26 (9) (c) of the statutes is repealed.

6 **SECTION 108.** 11.26 (9m) of the statutes, as created by 2001 Wisconsin Act 109,
7 is repealed.

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

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

SENATE BILL 538**SECTION 110**

1 **SECTION 110.** 11.26 (10a) of the statutes, as created by 2001 Wisconsin Act 109,
2 is repealed.

3 **SECTION 111.** 11.26 (12m) of the statutes is repealed and recreated to read:

4 **11.26 (12m)** For purposes of subs. (1) and (4), a contribution of money received
5 from a conduit identified in the manner prescribed in s. 11.06 (11) (a) shall be
6 considered a contribution received from the original contributor.

7 **SECTION 112.** 11.26 (15) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is repealed and recreated to read:

9 **11.26 (15)** The fact that 2 or more committees, other than personal campaign
10 committees, utilize common policies and practices concerning the endorsement of
11 candidates or agree to make contributions only to such endorsed candidates does not
12 affect the right of each committee independently to make contributions up to the
13 amount specified under sub. (2).

14 **SECTION 113.** 11.26 (17) (a) of the statutes, as affected by 2001 Wisconsin Act
15 109, is repealed and recreated to read:

16 **11.26 (17) (a)** For purposes of application of the limitations imposed in subs.
17 (1), (2), (9), and (10), the “campaign” of a candidate begins and ends at the times
18 specified in this subsection.

19 **SECTION 114.** 11.265 of the statutes is repealed.

20 **SECTION 115.** 11.31 (1) (intro.) of the statutes, as affected by 2001 Wisconsin
21 Act 109, is repealed and recreated to read:

22 **11.31 (1) SCHEDULE.** (intro.) The following levels of disbursements are
23 established with reference to the candidates listed below. The levels are subject to
24 adjustment under subs. (1m) and (9). Except as provided in sub. (2), such levels do

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1 not operate to restrict the total amount of disbursements which are made or
2 authorized to be made by any candidate in any primary or other election.

3 **SECTION 116.** 11.31 (1) (a) to (d) of the statutes, as affected by 2001 Wisconsin
4 Act 109, are repealed and recreated to read:

5 11.31 (1) (a) Candidates for governor, \$2,000,000.

6 (b) Candidates for lieutenant governor, \$500,000.

7 (c) Candidates for attorney general, \$700,000.

8 (d) Candidates for secretary of state, state treasurer, or state superintendent,
9 \$250,000.

10 **SECTION 117.** 11.31 (1) (de) of the statutes, as created by 2001 Wisconsin Act
11 109, is repealed and recreated to read:

12 11.31 (1) (de) Candidates for justice, \$300,000.

13 **SECTION 118.** 11.31 (1) (e) and (f) of the statutes, as affected by 2001 Wisconsin
14 Act 109, are repealed and recreated to read:

15 11.31 (1) (e) Candidates for state senator, \$100,000 total in the primary and
16 election, with disbursements not exceeding \$72,000 for either the primary or the
17 election.

18 (f) Candidates for representative to the assembly, \$50,000 total in the primary
19 and election, with disbursements not exceeding \$36,000 for either the primary or the
20 election.

21 **SECTION 119.** 11.31 (1m) of the statutes is created to read:

22 11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PARTISAN
23 PRIMARY ELECTIONS. The total disbursement level for any candidate for a partisan
24 office at a general or special election whose name appears on the ballot as a candidate
25 for an office at a primary election preceding that election and who receives less than

SENATE BILL 538**SECTION 119**

1 twice as many votes at that primary election as another candidate for the same office
2 within the same political party, and who has an opponent in the general or special
3 election who received at least 6 percent of the votes cast for all candidates for the
4 office that the candidate seeks on all ballots at the September primary or any special
5 primary preceding the general or special election, is 120 percent of the amount
6 specified in sub. (1) for the candidate for the same office who receives the greatest
7 number of votes in the primary election, as adjusted as provided in sub. (9).

8 **SECTION 120.** 11.31 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

10 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
11 election who files a sworn statement and application to receive a grant from the
12 Wisconsin election campaign fund may make or authorize total disbursements from
13 his or her campaign treasury in any campaign to the extent of more than the amount
14 prescribed in sub. (1) or (1m), whichever is applicable, adjusted as provided under
15 sub. (9), unless the board determines that the candidate is not eligible to receive a
16 grant or sub. (3p) applies. No candidate for state office at a special election who files
17 a sworn statement and application to receive a grant from the Wisconsin election
18 campaign fund may make or authorize total disbursements from his or her campaign
19 treasury in any campaign to the extent of more than the amount prescribed under
20 sub. (1), adjusted as provided under sub. (9), for the preceding spring or general
21 election for the same office, unless the board determines that the candidate is not
22 eligible to receive a grant or sub. (3p) applies.

23 **SECTION 121.** 11.31 (2m) of the statutes, as affected by 2001 Wisconsin Act 109,
24 is repealed:

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1 **SECTION 122.** 11.31 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

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

9 **SECTION 123.** 11.31 (3p) of the statutes, as created by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 **11.31 (3p) CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION.** If a candidate
12 receives a grant under s. 11.50 (9) (b), (ba), or (bb), the disbursement limitation of
13 that candidate for the campaign in which the grant is received is increased by the
14 amount of that grant.

15 **SECTION 124.** 11.31 (9) of the statutes, as created by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 **11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS.** (a) In this subsection,
18 “consumer price index” means the average of the consumer price index over each
19 12-month period, all items, U.S. city average, as determined by the bureau of labor
20 statistics of the U.S. department of labor.

21 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall
22 be subject to a cost-of-living adjustment to be determined by rule of the board in
23 accordance with this subsection. To determine the adjustment, the board shall
24 calculate the percentage difference between the consumer price index for the
25 12-month period ending on December 31 of each odd-numbered year and the

SENATE BILL 538**SECTION 124**

1 consumer price index for calendar year 2005. For each biennium, the board shall
2 adjust the disbursement limitations specified under sub. (1) by that percentage to the
3 extent required to reflect any difference, rounded to the nearest multiple of \$25 in
4 the case of amounts of \$1 or more, which amount shall be in effect until a subsequent
5 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),
6 and (3), determinations under this subsection may be promulgated as an emergency
7 rule under s. 227.24 without providing evidence that the emergency rule is necessary
8 for the public peace, health, safety, or welfare, and without a finding of emergency.

9 **SECTION 125.** 11.38 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act
10 109, is repealed and recreated to read:

11 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association
12 may establish and administer a separate segregated fund and solicit contributions
13 from individuals to the fund to be utilized by such corporation or association, for the
14 purpose of supporting or opposing any candidate for state or local office but the
15 corporation or association may not make any contribution to the fund. The fund shall
16 appoint a treasurer and shall register as a political committee under s. 11.05. A
17 parent corporation or association engaging solely in this activity is not subject to
18 registration under s. 11.05, but shall register and file special reports on forms
19 prescribed by the board disclosing its administrative and solicitation expenses on
20 behalf of such fund. A corporation not domiciled in this state need report only its
21 expenses for administration and solicitation of contributions in this state together
22 with a statement indicating where information concerning other administration and
23 solicitation expenses of its fund may be obtained. The reports shall be filed with the
24 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21

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1 (16), if applicable, or otherwise in the manner in which continuing reports are filed
2 under s. 11.20 (4) and (8).

3 **SECTION 126.** 11.38 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.38 (6) Any individual or campaign treasurer who receives funds in violation
6 of this section shall promptly return such funds to the contributor, donate the funds
7 to the common school fund or a charitable organization or transfer the funds to the
8 board for deposit in the Wisconsin election campaign fund, at the treasurer's option.

9 **SECTION 127.** 11.38 (8) (b) of the statutes, as affected by 2001 Wisconsin Act
10 109, is repealed and recreated to read:

11 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
12 any disbursement on behalf of a political group which is promoting or opposing a
13 particular vote at a referendum and prior to accepting any contribution or making
14 any disbursement to promote or oppose a particular vote at a referendum, a
15 corporation or association organized under ch. 185 shall register with the
16 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The
17 registration form of the corporation or association under s. 11.05 shall designate an
18 account separate from all other corporation or association accounts as a campaign
19 depository account, through which all moneys received or expended for the adoption
20 or rejection of the referendum shall pass. The corporation or association shall file
21 reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the
22 information required under s. 11.06 (1).

23 **SECTION 128.** 11.385 of the statutes, as created by 2001 Wisconsin Act 109, is
24 repealed.

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1 **SECTION 129.** 11.50 (1) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
2 109, is repealed and recreated to read:

3 11.50 (1) (a) 1. For purposes of qualification for a grant from the general
4 account:

5 1. a. With respect to a spring or general election, any individual who is certified
6 under s. 7.08 (2) (a) as a candidate in the spring election for justice or state
7 superintendent, or an individual who receives at least 6 percent of the vote cast for
8 all candidates on all ballots for any state office, except district attorney, for which the
9 individual is a candidate at the September primary and who is certified under s. 7.08
10 (2) (a) as a candidate for that office in the general election, or an individual who has
11 been lawfully appointed and certified to replace either such individual on the ballot
12 at the spring or general election; and who has qualified for a grant under sub. (2).

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

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

8 **SECTION 130.** 11.50 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act
9 109, is repealed and recreated to read:

10 11.50 (1) (a) 2. With respect to a special election, an individual who is certified
11 under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or
12 an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election
13 for any state office, except district attorney, on the ballot or column of a party whose
14 candidate for the same office at the preceding general election received at least 6
15 percent of the vote cast for all candidates on all ballots for the office, or an individual
16 who has been lawfully appointed and certified to replace either such individual on
17 the ballot at a special election, or an individual who receives at least 6 percent of the
18 vote cast for all candidates on all ballots for any state office, except district attorney,
19 at a partisan special election; and who qualifies for a grant under sub. (2). Where
20 the boundaries of a district in which an individual seeks office have been changed
21 since the preceding general election such that it is not possible to calculate the exact
22 number of votes that are needed by that individual to qualify as an eligible candidate
23 prior to an election under this subdivision, the number of votes cast for all candidates
24 for the office at the preceding general election in each ward, combination of wards
25 or municipality which is wholly contained within the boundaries of the newly formed

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

5 **SECTION 131.** 11.50 (1) (a) 2m. of the statutes, as created by 2001 Wisconsin Act
6 109, is repealed and recreated to read:

7 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
8 account, an individual who is certified under s. 7.08 (2) (a) in the general election or
9 a special election as the candidate of an eligible political party for a state office, other
10 than district attorney, or an individual who has been lawfully appointed and certified
11 to replace such an individual on the ballot at the general or a special election and who
12 has qualified for a grant under sub. (2).

13 **SECTION 132.** 11.50 (1) (am) of the statutes, as created by 2001 Wisconsin Act
14 109, is repealed and recreated to read:

15 11.50 (1) (am) “Eligible political party” means any of the following:

16 1. A party qualifying under s. 5.62 (2) for a separate ballot or one or more
17 separate columns or rows on a ballot for the period beginning on the preceding June
18 1, or, if that June 1 is in an odd-numbered year, the period beginning on June 1 of
19 the preceding even-numbered year, and ending on May 31 of the 2nd year following
20 the beginning of that period.

21 2. A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more
22 separate columns or rows on a ballot for the period beginning on the date of the
23 preceding general election and ending on the day before the general election that
24 follows that election.

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1 **SECTION 133.** 11.50 (1) (bm) and (cm) of the statutes, as created by 2001
2 Wisconsin Act 109, are repealed and recreated to read:

3 11.50 (1) (bm) "General account" means the account in the fund created under
4 sub. (2w).

5 (cm) "Political party account" means an account in the fund created under sub.
6 (2s).

7 **SECTION 134.** 11.50 (2) (a) of the statutes, as affected by 2001 Wisconsin Act
8 109, is repealed and recreated to read:

9 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
10 file an application with the board requesting approval to participate in the fund. The
11 application shall be filed no later than the applicable deadline for filing nomination
12 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.
13 on the 7th day after the primary or date on which the primary would be held if
14 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
15 after appointment in the case of candidates appointed to fill vacancies. The
16 application shall contain a sworn statement that the candidate and his or her
17 authorized agents have complied with the contribution limitations prescribed in s.
18 11.26 and the disbursement limitations imposed under s. 11.31 (2), as adjusted under
19 s. 11.31 (9), at all times to which such limitations have applied to his or her candidacy
20 and will continue to comply with the limitations at all times to which the limitations
21 apply to his or her candidacy for the office in contest, unless the board determines
22 that the candidate is not eligible to receive a grant or s. 11.31 (3p) applies. The
23 application shall also contain a sworn statement that the candidate and his or her
24 agents have not accepted any contribution made by a committee other than a
25 political party committee during the campaign, or, if any such contribution has been

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1 accepted, that the contribution has been returned or donated as provided in par. (j),
2 and the candidate and his or her agents will not accept any such contribution during
3 the campaign, unless the candidate is determined by the board to be ineligible to
4 receive a grant after the date of that determination.

5 **SECTION 135.** 11.50 (2) (b) 3. of the statutes, as affected by 2001 Wisconsin Act
6 109, is repealed and recreated to read:

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

9 **SECTION 136.** 11.50 (2) (b) 4. of the statutes, as affected by 2001 Wisconsin Act
10 109, is repealed and recreated to read:

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

15 **SECTION 137.** 11.50 (2) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
16 109, is repealed and recreated to read:

17 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
18 of the date of the spring or September primary, or the date that the special primary
19 is or would be held, if required, indicate that the candidate has received an amount
20 equal to at least 3 percent of the applicable authorized disbursement limitation, as
21 determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to
22 any adjustment under s. 11.31 (1m), from contributions of money, other than loans,
23 made by individuals who reside in this state and, in the case of a candidate for
24 legislative office, by individuals at least 50 percent of whom reside in a county having
25 territory within the legislative district in which the candidate seeks office, which

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1 contributions have been received during the period ending on the date of the spring
2 primary and July 1 preceding such date in the case of candidates at the spring
3 election, or the date of the September primary and January 1 preceding such date
4 in the case of candidates at the general election, or the date that a special primary
5 will or would be held, if required, and 90 days preceding such date or the date a
6 special election is ordered, whichever is earlier, in the case of candidates at a special
7 election, which contributions are in the aggregate amount of \$100 or less, and which
8 contributions are fully identified and itemized as to the exact source thereof. A
9 contribution received from a conduit which is identified by the conduit as originating
10 from an individual shall be considered a contribution made by the individual. Only
11 the first \$100 of an aggregate contribution of more than \$100 may be counted toward
12 the required percentage.

13 **SECTION 138.** 11.50 (2) (b) 6. of the statutes, as created by 2001 Wisconsin Act
14 109, is repealed.

15 **SECTION 139.** 11.50 (2) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

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

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1 the first contribution was received or the first disbursement was made, whichever
2 is earlier, if the candidate has not previously filed a report, to the date of such report.
3 All information included on the special report shall also be included in the
4 candidate's next report under s. 11.20. This paragraph does not apply to a candidate
5 who files reports under s. 11.21 (16).

6 **SECTION 140.** 11.50 (2) (f) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

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

15 **SECTION 141.** 11.50 (2) (g) of the statutes, as affected by 2001 Wisconsin Act
16 109, is repealed and recreated to read:

17 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
18 in accordance with this subsection accepts and agrees to comply with the
19 contribution limitations prescribed in s. 11.26 and the disbursement limitations
20 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
21 or herself and his or her agents during the campaign of that candidate as defined in
22 s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board
23 determines that the candidate is not eligible to receive a grant or s. 11.31 (3p) applies.

24 **SECTION 142.** 11.50 (2) (h) of the statutes, as affected by 2001 Wisconsin Act
25 109, is repealed.

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1 **SECTION 143.** 11.50 (2) (i) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed.

3 **SECTION 144.** 11.50 (2) (j) of the statutes, as created by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.50 (2) (j) If a candidate who desires to apply for a grant has accepted, or the
6 candidate's personal campaign committee has accepted, a contribution from a
7 committee other than a political party committee during the campaign for the office
8 that the candidate seeks, the candidate shall, before filing an application to receive
9 a grant, return the contribution or its monetary equivalent to the contributor, or, at
10 the contributor's option, donate an amount equal to the contribution to the fund or
11 to the common school fund. If the board later determines that the candidate is
12 ineligible to receive a grant, the candidate may then accept contributions from
13 committees other than political party committees after the date of that
14 determination.

15 **SECTION 145.** 11.50 (2m) of the statutes, as created by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.50 (2m) PUBLIC INFORMATION. (a) Annually, no later than September 1, the
18 board may notify the state treasurer that an amount not exceeding 5 percent of the
19 amount transferred to the fund in that year shall be placed in a public information
20 account. Moneys in this account shall be expended by the board for the purpose of
21 providing public information concerning the purpose and effect of this section and
22 s. 71.10 (3).

23 (b) As part of the public information program under par. (a), the board shall
24 prepare an easily understood description of the purpose and effect of this section and
25 s. 71.10 (3).

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1 (c) Any amount placed in the public information account that is not expended
2 by the board in any year shall be retained in that account.

3 **SECTION 146.** 11.50 (2s) of the statutes, as created by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party
6 account for each eligible political party. Each political party account consists of all
7 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

8 (b) From the account of each eligible political party, the board shall apportion
9 moneys to eligible candidates representing that party who qualify to receive grants.
10 Whenever an eligible candidate representing an eligible political party receives a
11 grant, the state treasurer shall first make payment of the grant from the political
12 party account of that party, to the extent that sufficient moneys are available in that
13 account to make payment of the grant.

14 (c) If a political party for which an account is established under this subsection
15 ceases to be an eligible political party, the board shall transfer the unencumbered
16 balance of that account to the general account.

17 **SECTION 147.** 11.50 (2w) of the statutes, as created by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
20 the fund consisting of all moneys designated by individuals for deposit in that
21 account under s. 71.10 (3) (a).

22 **SECTION 148.** 11.50 (3) of the statutes is repealed.

23 **SECTION 149.** 11.50 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
24 is repealed and recreated to read:

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1 11.50 (4) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment
2 of each grant to an eligible candidate from the political party account of that
3 candidate's political party, if any, if there are sufficient moneys in that account to
4 make full payment of the grant, and then from the general account. If there are
5 insufficient moneys in the general account to make full payment of a grant, the state
6 treasurer shall supplement the general account from the appropriation under s.
7 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
8 provided in subs. (4m) and (10), the amount of each grant is the amount specified in
9 sub. (9).

10 **SECTION 150.** 11.50 (4m) of the statutes is created to read:

11 11.50 (4m) GRANTS FOR PRIMARY CAMPAIGNS. If an eligible candidate who
12 qualifies to receive a grant in a spring, general, or special election was opposed in the
13 spring or September primary, or in a special primary, by a candidate who qualified
14 to have his or her name appear on the primary ballot and the eligible candidate won
15 nomination in that primary, the board shall award to that candidate the primary
16 grant specified in sub. (9) (a) at the same time that grants are distributed under that
17 paragraph for the spring, general, or special election, provided that the candidate
18 has filed with the board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1),
19 8.20 (8) (a), or 8.50 (3) (a) nomination papers containing at least the following number
20 of valid signatures of electors for the office that the candidate seeks:

21 (a) For candidates for statewide offices, not less than 4,000 electors.

22 (b) For candidates for state senator, not less than 800 electors.

23 (c) For candidates for representative to the assembly, not less than 400 electors.

24 **SECTION 151.** 11.50 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
25 is repealed and recreated to read:

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1 11.50 (5) TIME OF GRANT PAYMENTS. (a) Except as provided in par. (b), the state
2 treasurer shall make each grant payment that becomes payable to an eligible
3 candidate under sub. (9) (a) to the campaign depository account of that candidate by
4 the end of the 3rd business day following notice from the board under s. 7.08 (2) (c)
5 or (cm) of the amount to be paid.

6 (b) If an eligible candidate notifies the state treasurer of the information
7 required to make electronic transfers to the candidate's campaign depository
8 account, the state treasurer shall transfer to the campaign depository account of that
9 candidate any supplemental grants under sub. (9) (b), (ba), or (bb) for which the
10 candidate qualifies immediately following notice from the board under s. 7.08 (2) (c)
11 or (cm).

12 (c) Eligible candidates for governor and lieutenant governor of the same
13 political party may combine campaign depository accounts if desired.

14 **SECTION 152.** 11.50 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
17 eligible candidate are more than the amount which a candidate may accept under
18 sub. (9), or more than the amount which a candidate elects to accept under sub. (10),
19 the excess moneys shall be retained in the fund.

20 **SECTION 153.** 11.50 (7) (intro.) of the statutes, as affected by 2001 Wisconsin
21 Act 109, is repealed and recreated to read:

22 11.50 (7) UTILIZATION. (intro.) Grants distributed under this section may be
23 utilized only for deposit in a campaign depository account under s. 11.10. Grants may
24 be expended only for one or more of the following:

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1 **SECTION 154.** 11.50 (8) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 **11.50 (8) LAPSING GRANTS.** All grants disbursed under sub. (5) remain the
4 property of the state until disbursed or encumbered for a lawful purpose. All grant
5 moneys that are unspent and unencumbered by a candidate on the day after the
6 election in which the candidate participates shall revert to the state. All deposits and
7 refunds derived from grant moneys that are received by a candidate at any time after
8 the day of the election in which the candidate participates shall revert to the state.
9 All reversions shall be returned to the board by the candidate and shall be deposited
10 in the fund.

11 **SECTION 155.** 11.50 (9) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 **11.50 (9) (a) AMOUNT OF GRANTS.** Except as provided in this paragraph and pars.
14 (b), (ba), and (bb) the total grant available to an eligible candidate may not exceed
15 an amount equal to the lesser of 45 percent of the disbursement level specified for
16 the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted
17 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m) or that
18 amount which, when added to all other contributions accepted by the candidate, is
19 equal to the disbursement level specified for the office that the candidate seeks, as
20 determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9) but without
21 respect to any adjustment under s. 11.31 (1m). Except as provided in pars. (b), (ba),
22 and (bb), the total grant available to an eligible candidate who qualifies for a grant
23 for primary campaign expenses under sub. (4m) may not exceed an amount equal to
24 the lesser of 55 percent of the disbursement level specified for the office that the
25 candidate seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9), but

1 without respect to any adjustment under s. 11.31 (1m), or that amount which, when
2 added to all other contributions accepted by the candidate, is equal to the
3 disbursement level specified for the office that the candidate seeks, as determined
4 under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to any
5 adjustment under s. 11.31 (1m). The board shall scrutinize accounts and reports and
6 records kept under this chapter to assure that applicable limitations under ss. 11.26
7 (9) and 11.31 are not exceeded and any violation is reported. No candidate or
8 campaign treasurer may accept grants exceeding the amount authorized by this
9 subsection.

10 (b) If an eligible candidate who accepts a grant is opposed by one or more
11 candidates in a general or special election whose names are certified under s. 7.08
12 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee receives any
13 contribution or contributions that are intended to be used or that are used to oppose
14 the election of the eligible candidate who accepts a grant or to support a certified
15 opponent of that candidate without cooperation or consultation with any certified
16 opposing candidate or such a candidate's agent or authorized committee, and not in
17 concert with, or at the request or suggestion of any certified opposing candidate's
18 agent or authorized committee, then the board shall make an additional grant to the
19 eligible candidate who accepts a grant in an amount equal to the total amount of
20 contributions received for the purpose of advocating the election of the certified
21 opposing candidate or for the purpose of opposing the election of the eligible
22 candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

23 (ba) If an eligible candidate at a primary or election, or both, who accepts a
24 grant is opposed by one or more candidates who are required, or whose personal
25 campaign committees are required, to file a report under s. 11.12 (8), then the board

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1 shall make an additional grant to the eligible candidate who accepts a grant in an
2 amount equal to the total amount or value of disbursements, as reported under s.
3 11.12 (8), made by the opposing candidate or candidates exceeding the amount
4 specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate
5 seeks, as adjusted under s. 11.31 (9) but without respect to any adjustment under s.
6 11.31 (1m).

7 (bb) If the sum of the aggregate obligations incurred and disbursements made
8 by committees against an eligible candidate and the aggregate obligations incurred
9 and disbursements made by committees for that candidate's opponent, as reported
10 under s. 11.12 (6) (c), less disbursements made in payment of obligations previously
11 reported, exceeds 10 percent of the amount specified under s. 11.31 (1) (a) to (de), (e),
12 or (f), for the office that the eligible candidate seeks as adjusted under s. 11.31 (9),
13 but without respect to any adjustment under s. 11.31 (1m), then the board shall make
14 an additional grant to the eligible candidate equal in an amount to that sum, to the
15 extent that the sum exceeds the amount of any additional grant under par. (b)
16 attributable to contributions received by the committees incurring the obligations or
17 making the disbursements.

18 **SECTION 156.** 11.50 (10) of the statutes is created to read:

19 11.50 (10) VOLUNTARY LIMITATION. Any eligible candidate may, by written
20 request, limit his or her participation in the fund to a lesser amount than that
21 authorized under sub. (9).

22 **SECTION 157.** 11.50 (10m) of the statutes, as affected by 2001 Wisconsin Act
23 109, is repealed and recreated to read:

24 11.50 (10m) RETURN OF GRANTS. An individual who receives a grant prior to an
25 election in which he or she is a candidate and who desires to return any portion of

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1 the grant shall return that portion no later than the 2nd Tuesday in October
2 preceding a general election, the 4th Tuesday preceding a spring election, or the 3rd
3 Tuesday preceding a special election. A candidate who returns all or any portion of
4 a grant under this subsection remains bound by the candidate's statement filed
5 under sub. (2) (a).

6 **SECTION 158.** 11.50 (11) (a) of the statutes is amended to read:

7 11.50 (11) (a) ~~No~~ Except as authorized for candidates who are awarded grants
8 under sub. (4m), no grant may be utilized in any primary.

9 **SECTION 159.** 11.50 (11) (e) of the statutes, as affected by 2001 Wisconsin Act
10 109, is repealed and recreated to read:

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

14 **SECTION 160.** 11.50 (13) of the statutes is amended to read:

15 11.50 (13) DONATIONS TO FUND. Any committee or other person may make an
16 unrestricted contribution to the general account of the fund by gift, bequest or devise.

17 **SECTION 161.** 11.50 (14) of the statutes, as created by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each
20 even-numbered year, the board shall certify to the secretary of revenue:

21 1. No later than July 1, the name of each political party that qualifies under
22 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
23 state chairperson has filed a request to establish an account for the party under sub.
24 (2s) (a).

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1 2. No later than December 15, the name of each political party that qualifies
2 under sub. (1) (am) 2. as an eligible political party as of the date of the preceding
3 general election.

4 (b) In each certification under this subsection, the board shall specify the
5 expiration date of the certification.

6 **SECTION 162.** 11.60 (3r) of the statutes, as created by 2001 Wisconsin Act 109,
7 is repealed.

8 **SECTION 163.** 11.60 (3s) and (3t) of the statutes are created to read:

9 11.60 **(3s)** Notwithstanding sub. (1), if any candidate or committee, other than
10 a conduit, accepts a contribution, makes a disbursement, or incurs an obligation to
11 make a disbursement for the purpose of supporting or opposing a candidate for an
12 office specified in s. 11.31 (1) (a) to (de), (e), or (f) without first registering under s.
13 11.05 (1), (2), or (2g) to the extent required under s. 11.05 (1), (2), and (2g), or without
14 reporting the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with
15 respect to that contribution, disbursement, or obligation, to the extent required
16 under ss. 11.12 (6) (c) and (8) and 11.20 (3) and (4), the candidate or other individual
17 or committee may be required to forfeit not more than \$500 per day for each day of
18 continued violation.

19 **(3t)** Notwithstanding sub. (1), if any candidate or committee, other than a
20 conduit, accepts one or more contributions, makes one or more disbursements, or
21 incurs one or more obligations to make disbursements for the purpose of supporting
22 or opposing a candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) in
23 an amount or value that differs from the amount reported by that individual or
24 committee under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4):

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1 (a) By more than 5 percent but not more than 10 percent cumulatively, the
2 candidate or other individual or committee shall forfeit 4 times the amount or value
3 of the difference.

4 (b) By more than 10 percent but not more than 15 percent cumulatively, the
5 candidate or other individual or committee shall forfeit 6 times the amount or value
6 of the difference.

7 (c) By more than 15 percent cumulatively, the candidate or other individual or
8 committee shall forfeit 8 times the amount of the difference.

9 **SECTION 164.** 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 11.60 (4) Actions under this section arising out of an election for state office or
12 a statewide referendum may be brought by the board or by the district attorney of
13 the county where the violation is alleged to have occurred, except as specified in s.
14 11.38. Actions under this section arising out of an election for local office or local
15 referendum may be brought by the district attorney of the county where the violation
16 is alleged to have occurred. Actions under this section arising out of an election for
17 county office or a county referendum may be brought by the county board of election
18 commissioners of the county wherein the violation is alleged to have occurred. In
19 addition, whenever a candidate or personal campaign committee or agent of a
20 candidate is alleged to have violated this chapter, action may be brought by the
21 district attorney of any county any part of which is contained within the jurisdiction
22 or district in which the candidate seeks election. If a violation concerns a district
23 attorney or circuit judge or candidate for such offices, the action shall be brought by
24 the attorney general. If a violation concerns the attorney general or a candidate for
25 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit

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1 in behalf of the state. The counsel shall be independent of the attorney general and
2 need not be a state employe at the time of appointment.

3 **SECTION 165.** 11.61 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
4 109, is repealed and recreated to read:

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

7 **SECTION 166.** 13.625 (3m) of the statutes is created to read:

8 13.625 (3m) No elective state official and no personal campaign committee of
9 an elective state official may solicit a lobbyist or principal to arrange for another
10 person to make a campaign contribution to that official or personal campaign
11 committee or to another elective state official or the personal campaign committee
12 of that official.

13 **SECTION 167.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
14 109, is repealed and recreated to read:

15 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
16 appropriation, from the Wisconsin election campaign fund, the moneys determined
17 under s. 11.50 to provide for payments to eligible candidates whose names are
18 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
19 authorized under s. 11.50 (2m).

20 **SECTION 168.** 20.855 (4) (ba) of the statutes is created to read:

21 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
22 equal to the amounts required to make full payment of grants which candidates
23 qualify to receive from the Wisconsin election campaign fund, to be transferred from
24 the general fund to the Wisconsin election campaign fund no later than the time
25 required to make payments of grants under s. 11.50 (5).

SENATE BILL 538**SECTION 169**

1 **SECTION 169.** 25.42 of the statutes, as affected by 2001 Wisconsin Act 109, is
2 repealed and recreated to read:

3 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
4 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),
5 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting
6 to the state under s. 11.50 (8) and all gifts, and bequests and devises received under
7 s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the
8 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall
9 continue to accumulate indefinitely.

10 **SECTION 170.** 71.07 (6s) of the statutes, as created by 2001 Wisconsin Act 109,
11 is repealed.

12 **SECTION 171.** 71.10 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
13 is repealed and recreated to read:

14 71.10 (3) CAMPAIGN. (a) Every individual filing an income tax return who has
15 a tax liability or is entitled to a tax refund may designate \$5 for transfer to the
16 Wisconsin election campaign fund. If the individuals filing a joint return have a tax
17 liability or are entitled to a tax refund, each individual may make a designation of
18 \$5 under this subsection. Each individual making a designation shall indicate
19 whether the amount designated by that individual shall be placed in the general
20 account for the use of all eligible candidates for state office, or in the account of an
21 eligible political party whose name is certified to the secretary of revenue under s.
22 11.50 (14). If an individual does not indicate that the amount of his or her designation
23 shall be placed in the account of a particular eligible political party, that amount shall
24 be placed in the general account.

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1 (b) The secretary of revenue shall provide a place for designations under par.
2 (a) on the face of the individual income tax return and shall provide next to that place
3 a statement that a designation will not increase tax liability. The secretary shall also
4 provide and highlight a place in the instructions that accompany the return for any
5 information submitted to the secretary by the elections board under s. 11.50 (2m)
6 without cost to the board. No later than the 15th day of each month, the secretary
7 of revenue shall certify to the elections board, the department of administration, and
8 the state treasurer the total amount of designations made on returns processed by
9 the department of revenue during the preceding month and the amount of
10 designations made during that month for the general account and for the account of
11 each eligible political party. If any individual attempts to place any condition or
12 restriction upon a designation not authorized under par. (a), the designation is void.

13 (c) The names of individuals making designations under this subchapter shall
14 be strictly confidential.

15 **SECTION 172.** 71.10 (4) (gw) of the statutes, as created by 2001 Wisconsin Act
16 109, is repealed.

17 **SECTION 173.** 806.04 (11m) of the statutes, as created by 2001 Wisconsin Act
18 109, is repealed and recreated to read:

19 **806.04 (11m) CAMPAIGN FINANCE REGISTRATION.** Any person who proposes to
20 publish, disseminate, or broadcast, or causes to be published, disseminated, or
21 broadcast, any communication may commence a proceeding under this section to
22 determine the application to that person of a registration requirement under s. 11.05
23 (1), (2), or (2g).

24 **SECTION 174.** 2001 Wisconsin Act 109, section 9115 (2v), (2w) and (2x) are
25 repealed.

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1 **SECTION 175.** 2001 Wisconsin Act 109, section 9115 (2y), as last affected by 2003
2 Wisconsin Act 39, is repealed.

3 **SECTION 176.** 2001 Wisconsin Act 109, section 9132 (4v) is repealed.

4 **SECTION 177.** 2001 Wisconsin Act 109, section 9215 (3v) is repealed.

5 **SECTION 178.** 2001 Wisconsin Act 109, section 9244 (6v) is repealed.

6 **SECTION 179.** 2001 Wisconsin Act 109, section 9315 (2v) and (2w) are repealed.

7 **SECTION 180.** 2001 Wisconsin Act 109, section 9344 (2v) is repealed.

8 **SECTION 181.** 2001 Wisconsin Act 109, section 9415 (1zx), as last affected by
9 2003 Wisconsin Act 39, is repealed.

10 **SECTION 182. Nonstatutory provisions.**

11 (1) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if
12 a court finds that all or any portion of sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26
13 (8m), or 11.50 (9) (b) or (bb) of the statutes, as affected by this act, is unconstitutional,
14 then sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), and 11.50 (9) (b) and (bb) of
15 the statutes, as affected by this act, are void in their entirety.

16 (2) WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER. The balance in the
17 Wisconsin election campaign fund on the effective date of this subsection is credited
18 to the general account of the Wisconsin election campaign fund established under
19 section 11.50 (2w) of the statutes, as affected by this act.

20 (3) NONSEVERABILITY OF 2001 WISCONSIN ACT 109 PROVISIONS. The repeal of 2001
21 Wisconsin Act 109, section 9115 (2y) by this act does not affect the validity or
22 invalidity of any provision specified in that subsection under any court decision
23 issued before the effective date of this subsection.

24 **SECTION 183. Appropriation changes.**

