

2007 SENATE BILL 12

January 24, 2007 – Introduced by Senators ELLIS, ERPENBACH, COWLES, CARPENTER, RISSER, LEHMAN, SCHULTZ and LASSA, cosponsored by Representatives KAUFERT, MUSSER, BOYLE, BLACK, BERCEAU, HEBL, MOLEPSKE and HINTZ. Referred to Committee on Campaign Finance Reform, Rural Issues and Information Technology.

1 **AN ACT** *to repeal* 11.01 (12s), 11.01 (17g) and (17r), 11.05 (3) (o), 11.06 (3r), 11.06
2 (3w), 11.21 (17), 11.265, 11.31 (2m), 11.50 (2) (i), 11.50 (3) and 11.50 (4); *to*
3 **renumber** 11.24 (2), 11.50 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and*
4 **amend** 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (10), 11.50 (5) and 11.50
5 (9); *to amend* 5.02 (13), 7.08 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b.,
6 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (title), 11.05
7 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.),
8 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1),
9 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2),
10 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20
11 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1)
12 (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26 (9)
13 (b), 11.30 (4), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2),
14 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50

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1 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (5) (title), 11.50 (6), 11.50 (9) (title), 11.50
2 (11) (e), 11.50 (13), 11.60 (4), 11.61 (1) (a), 20.510 (1) (q), 25.42 and 71.10 (3) (a)
3 and (b); **to repeal and recreate** 11.05 (9) (title); and **to create** 7.08 (2) (cs),
4 11.001 (2m), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3)
5 (r), 11.05 (3) (s), 11.05 (5r), 11.06 (2m) (title), 11.06 (2m) (b) to (d), 11.12 (2m),
6 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.24 (4), 11.26 (2) (ad), 11.26 (2) (am),
7 11.26 (2) (au), 11.26 (8m), 11.26 (10) (b), 11.31 (1) (de), 11.31 (3p), 11.31 (9), 11.50
8 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50
9 (1) (e), 11.50 (2) (bm), 11.50 (2s), 11.50 (2w), 11.50 (4e), 11.50 (5) (b) (c), 11.50 (9)
10 (ba) and (bb), 11.50 (14), 11.60 (3s) and (3u), 20.855 (4) (ba), 71.07 (6n), 71.10
11 (4) (ds) and 806.041 of the statutes; **relating to:** campaign financing,
12 designations for the Wisconsin election campaign fund by individuals filing
13 state income tax returns, creating a nonrefundable individual income tax credit
14 for contributions to the Public Integrity Endowment, candidate time on public
15 broadcasting television stations and public access channels, statewide voter
16 registration, staffing of the Elections Board, providing exemptions from
17 emergency rule procedures, granting rule-making authority, providing
18 penalties, and making appropriations.

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.

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

Currently, with certain limited exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes or transfers disbursements (expenditures), or incurs obligations, in connection with one or more elections for

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state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

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

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 to reporting requirements. The bill also requires nonresident registrants to include in their reports a separate statement of contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state and local office in this state. The change does not affect reporting by authorized committees of candidates for the office of U.S. senator or representative in Congress.

Currently, 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.

Reporting thresholds

This bill 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.

The bill also 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

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calendar year with respect to an election for state office, and does not accept contributions, other than contributions made by a candidate to his or her own campaign, exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations independently of any candidate with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

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 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.

Special reporting by certain registrants

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

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary

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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 public grant (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 daily reports may 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 daily reports must be filed during the time period beginning with the later of the date of the disbursement that triggers the requirement or the seventh day after the applicable primary election or the date that a primary would be held, if required, and ending with date of the election at which the candidate seeks office.

The 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 makes any disbursement (as currently defined) or incurs any obligation 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. 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, the special interest committee must file these additional reports within 24 hours after a reportable transaction occurs.

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.

DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS

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

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the candidate from committees other than political party and legislative campaign committees, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify.

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

This bill does the following:

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

<i>Office</i>	<i>Current Level</i>	<i>Proposed Level</i>
Governor	\$1,078,200	\$4,000,000
Lieutenant governor	323,475	500,000
Attorney general	539,000	700,000
Secretary of state	215,625	250,000
State treasurer	215,625	250,000
Supreme court justice	215,625	300,000
State superintendent	215,625	250,000
State senator	34,500	150,000
Representative to the assembly	17,250	75,000

2. It creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2008, in accordance with a formula tied to the “consumer price index” determined by the U.S. Department of Labor.

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

4. It increases the disbursement limitation of any candidate who accepts a public grant by certain amounts for which matching grants from the Wisconsin election campaign fund are potentially available (see grant eligibility requirements and amounts, below). Under the bill, the disbursement limitation of the candidate accepting the grant is increased by a total amount equal to: 1) the amount or value of disbursements made by an opponent in excess of the disbursement limitation; and 2) the amount or value of independent disbursements made to expressly advocate the defeat of the candidate or the election of his or her opponents by special interest committees during election campaign periods, as reported to the Elections Board.

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

6. It repeals the exemption from disbursement and self-contribution limitations that currently applies to any candidate who accepts a grant from the Wisconsin election campaign fund and who is opposed by a major opponent who could have qualified for a grant but declines to accept one.

CONTRIBUTION LIMITATIONS

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

This bill establishes specified limitations on committee contributions to candidates for statewide office as follows: a) candidates for governor, \$45,000; b) candidates for lieutenant governor, \$15,000; c) candidates for attorney general, \$25,000; and d) candidates for secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court, \$10,000. Under the bill, the limitation on committee contributions to a particular political party, and on the annual amount that a political party may accept from a particular committee, is increased to \$18,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$600,000.

Under current law, the aggregate contributions accepted by a candidate for state or local office from all committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 65 percent of the disbursement level or limitation for the office that the candidate seeks. In addition, the contributions received by a candidate for state or local office from all committees other than political party or legislative campaign committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 45 percent of the disbursement level or limitation for the office that the candidate seeks. This bill provides that the contributions received by a candidate for state or local office from all committees other than political party committees, when combined with any nonsupplemental grant received from the Wisconsin election campaign fund, may not exceed 35 percent of the disbursement level or limitation for the office that the candidate seeks. Under the bill, a candidate who qualifies to receive a supplemental grant from the Wisconsin election campaign fund (see below) may exceed aggregate committee contribution limitations by an amount equal to the amount of the supplemental grant.

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

TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES

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

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

OTHER CONTRIBUTION RESTRICTIONS

This bill creates the following new prohibitions on contributions:

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

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

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

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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.

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.

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. The amounts of grants may be reduced if insufficient moneys are available in the fund to finance full payment of all grants for which candidates qualify.

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. In addition, 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.

2. It directs the executive director of the Elections Board to take steps to incorporate a nonstock, nonprofit corporation to be known as the "Public Integrity Endowment." The bill directs the executive director to ensure that the corporation is structured so that contributions made to the foundation will be tax deductible to the extent allowed by law. Under the bill, the sole purpose of the endowment is to

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solicit contributions for the purpose of supplementing the assets of the Wisconsin election campaign fund and transferring those contributions, after deduction of solicitation costs, to the general account of the fund. Currently, any person may make an unrestricted donation to the Wisconsin election campaign fund. The donation is tax deductible to the extent allowed by law. However, the fund does not solicit contributions.

Grant eligibility requirements and amounts

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

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

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

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

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless at least one of the candidate's opponents who received at least six percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is that amount which, when added to all other contributions accepted from 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

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that the candidate has qualified to receive the grant. The state treasurer then has three business days to transmit the grant to the candidate.

This bill does the following:

1. It provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only five percent of the authorized disbursement level for the office which the candidate seeks in order to qualify for a grant, but provides that the contributions of \$100 or less from individuals used by a candidate for any state office to determine eligibility for a grant from the Wisconsin election campaign fund must be made by individuals who reside in this state and, in the case of a candidate for legislative office, at least 50 percent of those contributions must be made by individuals who reside in the district in which the candidate seeks office, except that a candidate may substitute contributions received from political party committees for not more than 50 percent of the contributions required to be received from residents of the district.

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

3. It provides that a candidate who accepts a grant shall receive a supplemental grant in a maximum amount equal to: a) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by an opposing candidate who does not accept a grant; and b) the total amount of any independent disbursements in close proximity to the election that are made by special interest committees to oppose that candidate, or to support that candidate's opponent, if that total amount exceeds ten percent of the disbursement limitation for the office that the candidate seeks, except that the total supplemental grant received by a candidate may not exceed an amount equal to three times the disbursement limitation for the office that the candidate seeks.

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

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, 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

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

This bill provides that if any person, including a candidate or committee other than a conduit, makes a disbursement to support or oppose a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, or justice of the supreme court) without first reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any person, including any of these candidates or committees, makes one or more disbursements or other expenditures for such a purpose in an amount that is more or less than the amount reported by that person:

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

PUBLIC BROADCASTING TELEVISION STATIONS AND PUBLIC ACCESS CHANNELS

Current law requires 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. Current law requires the Elections Board to promulgate rules that require licensees of public broadcasting stations and operators of public access channels to provide a minimum amount of free time to candidates for state office at general, spring, and special elections. The rules must require the same amount of time for each candidate for a particular state office, but may require different amounts of time for different offices.

This bill repeals these provisions.

INDIVIDUAL INCOME TAX CREDIT

This bill creates a nonrefundable individual income tax credit for contributions to the Public Integrity Endowment. Under the bill, an individual may claim as an income tax credit, up to the amount of the individual's income tax liability, any

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amount that he or she contributes to the Public Integrity Endowment. If a married couple files a joint return, each spouse may claim the credit.

INITIAL APPLICABILITY

All campaign finance changes under the bill apply to elections held on or after January 1, 2008, except that the directive to incorporate a Public Integrity Endowment takes effect on the day on which the bill becomes law. Under the bill, changes to the income tax checkoff and the creation of an individual income tax credit for contributions to the endowment apply to taxable years beginning on January 1 of the year in which the bill becomes law, if the bill becomes law by July 31, in any year, or otherwise to taxable years beginning on January 1 of the following year.

NONSEVERABILITY

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that, if any of the following parts of the bill is unconstitutional, then all of the following parts are void: a) parts relating to the reporting of certain expenditures and obligations by candidates and special interest committees; b) parts relating to the provision of supplemental grants to candidates whose opponents exceed disbursement limitations or who are opposed or whose opponents are supported by any reportable disbursements by candidates or independent disbursements or obligations, including those that are reportable under current law; and c) parts relating to prohibiting contributions from being made by committees to special interest committees.

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 is amended to read:

2 5.02 (13) “Political party” or “party” means a state committee registered under
3 s. 11.05 and organized exclusively for political purposes under whose name
4 candidates appear on a ballot at any election, and all county, congressional,
5 legislative, local and other affiliated committees authorized to operate under the
6 same name. For purposes of ch. 11, the term does not include ~~a legislative campaign~~
7 ~~committee or~~ a committee filing an oath under s. 11.06 (7).

8 **SECTION 2.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

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1 7.08 (2) (c) As soon as possible after the canvass of the spring and September
2 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
3 September, transmit to the state treasurer a certified list of all eligible candidates
4 for state office who have filed applications under s. 11.50 (2) and whom the board
5 determines ~~to be~~ are eligible to receive ~~payments~~ grants from the Wisconsin election
6 campaign fund. The board shall also electronically transmit a similar list containing
7 the name of each candidate whom the board determines is eligible to receive a grant
8 under s. 11.50 (9) (ba) or (bb) within 24 hours after the candidate qualifies to receive
9 such a grant. Each list shall contain each candidate's name, the mailing address
10 indicated upon the candidate's registration form, the office for which the individual
11 is a candidate and the party or principle which he or she represents, if any.

12 (cm) As soon as possible after the canvass of a special primary, or the date that
13 the primary would be held, if required, transmit to the state treasurer a certified list
14 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
15 and whom the board determines to be eligible to receive ~~a grant~~ grants from the
16 Wisconsin election campaign fund prior to the election. The board shall also transmit
17 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
18 whom the board determines to be eligible to receive ~~a grant~~ grants under s. 11.50 (1)
19 ~~(a) 2.~~ 1. b. after the special election. The board shall electronically transmit a similar
20 list containing the name of each candidate whom the board determines is eligible to
21 receive a grant under s. 11.50 (9) (ba) or (bb) within 24 hours after the candidate
22 qualifies to receive such a grant. Each list shall contain each candidate's name, the
23 mailing address indicated upon the candidate's registration form, the office for which
24 the individual is a candidate and the party or principle which he or she represents,
25 if any.

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1 **SECTION 3.** 7.08 (2) (cs) of the statutes is created to read:

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

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

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

13 **SECTION 4.** 8.30 (2) of the statutes is amended to read:

14 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
15 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable
16 deadline for filing nomination papers by ~~such~~ the candidate, or the deadline for filing
17 a declaration of candidacy for an office for which nomination papers are not filed, the
18 name of the candidate may not appear on the ballot. This subsection may not be
19 construed to exempt ~~a candidate~~ an individual from applicable penalties if the
20 individual is a candidate, as defined in s. 11.01 (1), and he or she files a registration
21 statement later than the time prescribed in ~~ss. 11.01 (1) and s.~~ s. 11.05 (2g).

22 **SECTION 5.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

23 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~
24 if If the former candidate was a partisan candidate ~~or, donated to the former~~
25 candidate's local or state political party, donated to ~~the~~ a charitable organization of

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1 ~~the former candidate's choice or the charitable organization chosen, or transferred~~
2 ~~to the board for deposit in the Wisconsin election campaign fund, as instructed by the~~
3 ~~former candidate or, if the candidate left no instruction, as instructed~~ by the former
4 candidate's next of kin ~~if the former candidate is deceased, or if no choice is made~~
5 ~~returned to the donors on a proportional basis; or~~

6 b. If the former candidate was a nonpartisan candidate, donated to ~~the a~~
7 ~~charitable organization of the former candidate's choice or the or the charitable~~
8 ~~organization chosen~~ or transferred to the board for deposit in the Wisconsin election
9 campaign fund, as instructed by the former candidate or, if the candidate left no
10 instruction, as instructed by the former candidate's next of kin ~~if the former~~
11 ~~candidate is deceased; or~~

12 **SECTION 6.** 8.35 (4) (c) and (d) of the statutes are amended to read:

13 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
14 made and reported to the appropriate filing officer in a special report submitted ~~in~~
15 ~~a special report submitted~~ by the former candidate's campaign treasurer. If the
16 former candidate is deceased and was serving as his or her own campaign treasurer,
17 the former candidate's petitioner or personal representative shall ~~file the report and~~
18 ~~make the transfer required by par. (b), if any~~ and file the report. The report shall be
19 made at the appropriate interval under s. 11.20 (2) or (4) or in the manner required
20 under s. 11.21 (16), if applicable, and shall include a complete statement of all
21 contributions, disbursements and incurred obligations pursuant to s. 11.06 (1)
22 covering the period from the day after the last date covered on the former candidate's
23 most recent report to the date of disposition.

24 (d) The newly appointed candidate shall file his or her report at the next
25 appropriate interval under s. 11.20 (2) or (4) after his or her appointment or in the

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1 manner required under s. 11.21 (16), if applicable. The appointed candidate shall
2 include any transferred funds moneys in his or her first report.

3 **SECTION 7.** 11.001 (2m) of the statutes is created to read:

4 11.001 **(2m)** The legislature finds a compelling justification for minimal
5 disclosure of all communications made near the time of an election that include a
6 reference to a clearly identified candidate at that election, an office to be filled at that
7 election, or a political party in order to permit increased funding for candidates who
8 are affected by those communications. The legislature finds that this minimal
9 disclosure burden is outweighed by the need to establish an effective funding
10 mechanism for affected candidates to effectively respond to communications that
11 may impact an election.

12 **SECTION 8.** 11.01 (12s) of the statutes is repealed.

13 **SECTION 9.** 11.01 (16) (a) 3. of the statutes is created to read:

14 11.01 **(16)** (a) 3. A communication that is made by means of one or more
15 communications media, other than a communication that is exempt from reporting
16 under s. 11.29, that is made during the period beginning on the 60th day preceding
17 an election and ending on the date of that election, and that includes a reference to
18 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
19 the ballot at that election, a reference to an office to be filled at that election, or a
20 reference to a political party.

21 **SECTION 10.** 11.01 (17g) and (17r) of the statutes are repealed.

22 **SECTION 11.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
23 to read:

24 11.05 **(1)** (a) Except as provided in s. 9.10 (2) (d), every committee, other than
25 a personal campaign committee, ~~and every political group subject to a registration~~

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1 requirement under ~~s. 11.23~~ which that makes or accepts contributions, incurs
2 obligations, or makes disbursements in a calendar year in an aggregate amount in
3 excess of \$25 shall file a statement with the appropriate filing officer giving the
4 information required by sub. (3). ~~In the case of any committee other than a personal~~
5 ~~campaign committee, the~~ The statement shall be filed by the treasurer. A personal
6 campaign committee shall register under sub. (2g) ~~or (2r)~~.

7 **SECTION 12.** 11.05 (1) (b) of the statutes is created to read:

8 11.05 (1) (b) Every political group subject to registration under s. 11.23 that
9 makes or accepts contributions, incurs obligations, or makes disbursements in a
10 calendar year in an aggregate amount in excess of \$100 shall file a statement with
11 the appropriate filing officer giving the information required by sub. (3).

12 **SECTION 13.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
13 to read:

14 11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than
15 a candidate or agent of a candidate, who accepts contributions, incurs obligations,
16 or makes disbursements with respect to one or more elections for state or local office
17 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with
18 the appropriate filing officer giving the information required by sub. (3). An
19 individual who guarantees a loan on which an individual, committee or group subject
20 to a registration requirement defaults is not subject to registration under this
21 ~~subsection~~ paragraph solely as a result of such default.

22 **SECTION 14.** 11.05 (2) (b) of the statutes is created to read:

23 11.05 (2) (b) Every individual who accepts contributions, incurs obligations, or
24 makes disbursements with respect to one or more referenda in a calendar year in an

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1 aggregate amount in excess of \$100 shall file a statement with the appropriate filing
2 officer giving the information required by sub. (3).

3 **SECTION 15.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and
4 amended to read:

5 11.06 **(2m)** (a) Any person, committee or group, other than ~~a committee or an~~
6 ~~individual or committee~~ required to file an oath under ~~s. 11.06 (7) sub. (7)~~, who or
7 which does not anticipate accepting contributions, making disbursements, or
8 incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year
9 and does not anticipate accepting any contribution or contributions from a single
10 source, other than contributions made by a candidate to his or her own campaign,
11 exceeding \$100 in ~~that~~ any calendar year may indicate on its registration statement
12 that the person, committee, or group will not accept contributions, incur obligations,
13 or make disbursements in the aggregate in excess of \$1,000 in any calendar year and
14 will not accept any contribution or contributions from a single source, other than
15 contributions made by a candidate to his or her own campaign, exceeding \$100 in
16 ~~such~~ any calendar year. Any registrant making such an indication is not subject to
17 any filing requirement if the statement is true. The registrant need not file a
18 termination report. A registrant not making such an indication on a registration
19 statement is subject to a filing requirement. The indication may be revoked and the
20 registrant is then subject to a filing requirement as of the date of revocation, or the
21 date that aggregate contributions, disbursements, or obligations for the calendar
22 year exceed \$1,000, or the date on which the registrant accepts any contribution or
23 contributions exceeding \$100 from a single source, other than contributions made by
24 a candidate to his or her own campaign, during ~~that~~ any calendar year, whichever
25 is earlier. ~~If the revocation is not timely, the registrant violates s. 11.27 (1).~~

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1 **SECTION 16.** 11.05 (3) (c) of the statutes is amended to read:

2 11.05 **(3)** (c) In the case of a committee, a statement as to whether the
3 committee is a personal campaign committee, a political party committee, ~~a~~
4 ~~legislative campaign committee,~~ a support committee, or a special interest
5 committee.

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

7 11.05 **(3)** (m) In the case of a personal campaign committee, the name of the
8 candidate on whose behalf the committee was formed or intends to operate and the
9 office or offices that the candidate seeks.

10 **SECTION 18.** 11.05 (3) (o) of the statutes is repealed.

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

12 11.05 **(3)** (r) In the case of a candidate or personal campaign committee of a
13 candidate, the telephone number or numbers and a facsimile transmission number
14 or electronic mail address, if any, at which the candidate may be contacted.

15 **SECTION 20.** 11.05 (3) (s) of the statutes is created to read:

16 11.05 **(3)** (s) In the case of a registrant that has made a communication
17 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
18 11.06 (1) with respect to any obligation to make a disbursement incurred or any
19 disbursement made for the purpose of making such a communication prior to
20 registration.

21 **SECTION 21.** 11.05 (5) of the statutes is amended to read:

22 11.05 **(5)** CHANGE OF INFORMATION. Any change in information previously
23 submitted in a statement of registration shall be reported by the registrant to the
24 appropriate filing officer within 10 days following the change. This period does not
25 apply in case of change of an indication made under ~~sub. (2r)~~ s. 11.06 (2m), which

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1 shall be reported no later than the date that a registrant is subject to a filing
2 requirement under ~~sub.(2r)~~ s. 11.06 (2m). Any such change may be reported only by
3 the individual or by the officer who has succeeded to the position of an individual who
4 signed the original statement; but in the case of a personal campaign committee, a
5 candidate or campaign treasurer may report a change in the statement except as
6 provided in s. 11.10 (2), and in the case of any other committee or group, the chief
7 executive officer or treasurer indicated on the statement may report a change. If a
8 preexisting support committee is adopted by a candidate as his or her personal
9 campaign committee, the candidate shall file an amendment to the committee's
10 statement under this subsection indicating that all information contained in the
11 statement is true, correct and complete.

12 **SECTION 22.** 11.05 (5r) of the statutes is created to read:

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

17 (b) No registrant may accept any contribution received from a person,
18 committee, or group that is subject to a registration requirement prior to the date of
19 registration of that person, committee, or group.

20 **SECTION 23.** 11.05 (9) (title) of the statutes is repealed and recreated to read:

21 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

22 **SECTION 24.** 11.05 (9) (b) of the statutes is amended to read:

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

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

4 **SECTION 25.** 11.05 (12) (title) of the statutes is amended to read:

5 11.05 (12) (title) TIME OF REGISTRATION; ACCEPTANCE OF UNLAWFUL CONTRIBUTIONS.

6 **SECTION 26.** 11.05 (12) (b) of the statutes is amended to read:

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

16 **SECTION 27.** 11.05 (13) of the statutes is amended to read:

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

24 **SECTION 28.** 11.06 (1) (intro.) of the statutes is amended to read:

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

8 **SECTION 29.** 11.06 (1) (e) of the statutes is amended to read:

9 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
10 source donated to a charitable organization or to the common school fund, with the
11 full name and mailing address of the donee, and a statement of contributions over
12 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

13 **SECTION 30.** 11.06 (2) of the statutes is amended to read:

14 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
15 sub. (1), if a disbursement is made or obligation incurred by an individual other than
16 a candidate or by a committee or group which is not primarily organized for political
17 purposes, ~~and the disbursement does not constitute a contribution to any candidate~~
18 or other individual, committee, or group, and the disbursement is not made or the
19 obligation is not incurred for the purpose of making a communication specified in s.
20 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only if the
21 purpose is to expressly advocate the election or defeat of a clearly identified
22 candidate or the adoption or rejection of a referendum. The exemption provided by
23 this subsection shall in no case be construed to apply to a political party, legislative
24 campaign, personal campaign or support committee.

25 **SECTION 31.** 11.06 (2m) (title) of the statutes is created to read:

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1 11.06 **(2m)** (title) GENERAL REPORTING EXEMPTIONS.

2 **SECTION 32.** 11.06 (2m) (b) to (d) of the statutes are created to read:

3 11.06 **(2m)** (b) Any individual or committee who or which is required to file an
4 oath under sub. (7) and who or which accepts contributions, makes disbursements,
5 or incurs obligations for the purpose of supporting or opposing one or more
6 candidates for state office and who or which does not anticipate accepting
7 contributions, making disbursements, or incurring obligations in an aggregate
8 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
9 contribution or contributions from a single source exceeding \$100 in any calendar
10 year may indicate on its registration statement that the individual or committee will
11 not accept contributions, incur obligations, or make disbursements in the aggregate
12 in excess of \$1,000 in any calendar year and will not accept any contribution or
13 contributions from a single source exceeding \$100 in any calendar year. Any
14 registrant making such an indication is not subject to any filing requirement if the
15 statement is true. The registrant need not file a termination report. A registrant not
16 making such an indication on a registration statement is subject to a filing
17 requirement. The indication may be revoked and the registrant is then subject to a
18 filing requirement as of the date of revocation, or the date on which aggregate
19 contributions, disbursements, or obligations for the calendar year exceed \$1,000, or
20 the date on which the registrant accepts any contribution or contributions exceeding
21 \$100 from a single source during any calendar year, whichever is earlier.

22 (c) Any individual or committee who or which is required to file an oath under
23 sub. (7) and who or which accepts contributions, makes disbursements, or incurs
24 obligations for the purpose of supporting or opposing one or more candidates for local
25 office but not for the purpose of supporting or opposing any candidate for state office

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

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

19 **SECTION 33.** 11.06 (3) (b) (intro.) of the statutes is amended to read:

20 11.06 (3) (b) (intro.) ~~Notwithstanding sub. (1), a~~ A nonresident registrant shall
21 report on a form prescribed by the board the applicable information ensure that the
22 report under sub. (1) separately states information under sub. (1) concerning all of
23 the following, in a manner prescribed by the board:

24 **SECTION 34.** 11.06 (3r) of the statutes is repealed.

25 **SECTION 35.** 11.06 (3w) of the statutes is repealed.

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1 **SECTION 36.** 11.06 (4) (b) of the statutes is amended to read:

2 11.06 **(4)** (b) Unless it is returned or donated within 15 days of receipt, a
3 contribution must be reported as received and accepted on the date received. This
4 ~~subsection~~ paragraph applies notwithstanding the fact that the contribution is not
5 deposited in the a campaign depository account by the closing date for the reporting
6 period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16)
7 if applicable.

8 **SECTION 37.** 11.06 (5) of the statutes is amended to read:

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

19 **SECTION 38.** 11.06 (7m) (a) of the statutes is amended to read:

20 11.06 **(7m)** (a) If a committee which was registered under s. 11.05 as a political
21 party committee ~~or legislative campaign committee~~ supporting candidates of a
22 political party files an oath under sub. (7) affirming that it does not act in cooperation
23 or consultation with any candidate who is nominated to appear on the party ballot
24 of the party at a general or special election, that the committee does not act in concert
25 with, or at the request or suggestion of, such a candidate, that the committee does

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1 not act in cooperation or consultation with such a candidate or agent or authorized
2 committee of such a candidate who benefits from a disbursement made in opposition
3 to another candidate, and that the committee does not act in concert with, or at the
4 request or suggestion of, such a candidate or agent or authorized committee of such
5 a candidate who benefits from a disbursement made in opposition to another
6 candidate, the committee filing the oath may not make any contributions in support
7 of any candidate of the party at the general or special election or in opposition to any
8 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
9 authorized in par. (c).

10 **SECTION 39.** 11.06 (7m) (b) of the statutes is amended to read:

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

17 **SECTION 40.** 11.06 (7m) (c) of the statutes is amended to read:

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

25 **SECTION 41.** 11.07 (1) of the statutes is amended to read:

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1 11.07 (1) Every nonresident committee or group making contributions and
2 every nonresident individual, committee or group making disbursements exceeding
3 ~~\$25 cumulatively~~ the amount specified in s. 11.05 (1) or (2) in a calendar year within
4 this state shall file the name, mailing and street address and the name and the
5 mailing and street address of a designated agent within the state with the office of
6 the secretary of state. An agent may be any adult individual who is a resident of this
7 state. After any change in the name or address of such agent the new address or
8 name of the successor agent shall be filed within 30 days of the date on which the
9 change occurs. Service of process in any proceeding under this chapter or ch. 12, or
10 service of any other notice or demand may be made upon such agent.

11 **SECTION 42.** 11.07 (5) of the statutes is amended to read:

12 11.07 (5) Any campaign treasurer or individual who knowingly receives a
13 contribution made by an unregistered nonresident in violation of this section may
14 not use or expend such contribution but shall immediately return it to the source or
15 at the option of the campaign treasurer or individual, donate the contribution to a
16 charitable organization or to the common school fund or transfer the contribution to
17 the board for deposit in the Wisconsin election campaign fund.

18 **SECTION 43.** 11.09 (3) of the statutes is amended to read:

19 11.09 (3) Each registrant whose filing officer is the board, who or which makes
20 disbursements in connection with elections for offices which serve or referenda
21 which affect only one county or portion thereof, except a candidate, personal
22 campaign committee, political party committee, or other committee making
23 disbursements in support of or in opposition to a candidate for state senator,
24 representative to the assembly, court of appeals judge, or circuit judge, shall file a
25 duplicate original of each financial report filed with the board with the county clerk

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1 or board of election commissioners of the county in which the elections in which the
2 registrant participates are held. Such reports shall be filed no later than the dates
3 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
4 subsection does not apply to a registrant who or which files reports under s. 11.21
5 (16).

6 **SECTION 44.** 11.10 (1) of the statutes is amended to read:

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

23 **SECTION 45.** 11.12 (2) of the statutes is amended to read:

24 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
25 or committee treasurer or by an individual under s. 11.06 (7) may not be used or

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1 expended. The contribution shall be donated to the common school fund or to any
2 charitable organization, or transferred to the board for deposit in the Wisconsin
3 election campaign fund, at the option of the treasurer.

4 **SECTION 46.** 11.12 (2m) of the statutes is created to read:

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

13 **SECTION 47.** 11.12 (4) of the statutes is amended to read:

14 11.12 (4) Each registrant shall report contributions, disbursements, and
15 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
16 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
17 11.06 (2), ~~(3)~~ and (3m), each report shall contain the information which is required
18 under s. 11.06 (1).

19 **SECTION 48.** 11.12 (5) of the statutes is amended to read:

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

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1 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
2 also be included in the treasurer's or individual's next regular report. For purposes
3 of the reporting requirement under this subsection, only contributions received
4 during the period beginning with the day after the last date covered on the
5 preprimary or preelection report, and ending with the day before the primary or
6 election need be reported.

7 **SECTION 49.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
8 to read:

9 11.12 **(6)** (a) If ~~any~~ an individual or committee incurs an obligation or makes
10 a disbursement of more than \$20 cumulatively ~~is made~~ to advocate the election or
11 defeat of a clearly identified candidate ~~by an individual or committee~~ later than 15
12 days prior to a primary or election in which the candidate's name appears on the
13 ballot without cooperation or consultation with a candidate or agent or authorized
14 committee of a candidate who is supported or whose opponent is opposed, and not in
15 concert with or at the request or suggestion of such a candidate, agent or committee,
16 the individual or treasurer of the committee shall, within 24 hours of after incurring
17 the obligation or making the disbursement, inform the appropriate filing officer of
18 the information required under s. 11.06 (1) in such manner as the board may
19 prescribe. ~~The information shall also be included in the next regular report of the~~
20 ~~individual or committee under s. 11.20.~~ For purposes of this subsection, paragraph,
21 obligations and disbursements cumulate beginning with the day after the last date
22 covered on the preprimary or preelection report and ending with the day before the
23 primary or election. Upon receipt of a report under this subsection paragraph, the
24 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
25 candidates for any office in support of or opposition to one of whom ~~a~~ an incurred

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1 obligation or disbursement identified in the report is incurred or made. A committee
2 that files a report pertaining to a disbursement under par. (c) is not required to file
3 a report pertaining to the same disbursement under this paragraph.

4 **SECTION 50.** 11.12 (6) (c) and (d) of the statutes are created to read:

5 11.12 **(6)** (c) If any committee identified under s. 11.05 (3) (c) as a special
6 interest committee, other than a conduit, makes any disbursement for the purpose
7 of advocating the election or defeat of a clearly identified candidate for a state office
8 specified in s. 11.31 (1) (a) to (de), (e), or (f) at the general or a special election, or any
9 such candidate who seeks a nomination for such an office at a primary election, or
10 for a purpose described in s. 11.01 (16) (a) 3., without cooperation or consultation with
11 a candidate or agent or authorized committee of a candidate who is supported or
12 whose opponent is opposed, and not in concert with or at the request or suggestion
13 of such a candidate, agent, or committee, the committee shall report to the board
14 within 24 hours thereafter, in such manner as the board may prescribe, the total
15 amount of disbursements made for such a purpose in support of or opposition to that
16 candidate, the amount and date of each such disbursement, and the name of the
17 candidate in support of or in opposition to whom the disbursement was made. A
18 committee which files a report under this paragraph concerning a disbursement is
19 not required to file a report pertaining to the same disbursement under par. (a).

20 (d) All information reported by a registrant under this subsection shall also be
21 included in the next regular report of the registrant under s. 11.20 or 11.21 (16).

22 **SECTION 51.** 11.12 (8) and (9) of the statutes are created to read:

23 11.12 **(8)** If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
24 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
25 candidate has accumulated cash in his or her campaign depository account or has

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1 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
2 a combined total of 75 percent of the amount specified in s. 11.31 (1) (a) to (de), (e),
3 or (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks, that
4 candidate or the candidate's personal campaign committee shall file daily reports
5 with the board and with each candidate whose name is certified to appear on the
6 ballot for the office in connection with which the disbursement is made, by electronic
7 mail or facsimile transmission, on each day beginning with that date or the 7th day
8 after the primary election or the date that a primary would be held, if required,
9 whichever is later, and ending on the date of the election at which the candidate seeks
10 office. Each report shall be filed no later than 24 hours after that disbursement is
11 made. Each report shall include the same information pertaining to each
12 disbursement made by the candidate or committee that is required to be reported for
13 other disbursements under s. 11.06 (1). The information shall also be included in the
14 next regular report of the candidate or committee under s. 11.20.

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

21 **SECTION 52.** 11.14 (3) of the statutes is amended to read:

22 11.14 **(3)** Notwithstanding sub. (1), any candidate who serves as his or her own
23 campaign treasurer and who is authorized to make and makes an indication on his
24 or her registration statement under s. ~~11.05 (2r)~~ 11.06 (2m) that he or she will not
25 accept contributions, make disbursements or incur obligations in an aggregate

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1 amount exceeding \$1,000 in a calendar year ~~the amount authorized in s. 11.06 (2m),~~
2 and will not accept any contribution or contributions from a single source, other than
3 contributions made by the candidate to his or her own campaign, exceeding \$100 in
4 a calendar year, may designate a single personal account as his or her campaign
5 depository account, and may intermingle personal and other funds with campaign
6 funds. If a separate depository account is later established by the candidate, the
7 candidate shall transfer all campaign funds in the personal account to the new
8 depository account. Disbursements made from such personal account need not be
9 identified in accordance with s. 11.16 (3).

10 **SECTION 53.** 11.16 (2) of the statutes is amended to read:

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

19 **SECTION 54.** 11.16 (5) of the statutes is amended to read:

20 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
21 party committee ~~or legislative campaign committee~~ may, pursuant to a written
22 escrow agreement with more than one candidate, solicit contributions for and
23 conduct a joint fund raising effort or program on behalf of more than one named
24 candidate. The agreement shall specify the percentage of the proceeds to be
25 distributed to each candidate by the committee conducting the effort or program.

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

10 **SECTION 55.** 11.19 (title) of the statutes is amended to read:

11 **11.19 (title) ~~Dissolution~~ Carry-over of surplus funds; dissolution of**
12 **registrants; termination reports.**

13 **SECTION 56.** 11.19 (1) of the statutes is amended to read:

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

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1 subsection with a termination report filed under this subsection. If a termination
2 report or suspension report under sub. (2) is not filed, the registrant shall continue
3 to file periodic reports with the appropriate filing officer, no later than the dates
4 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later
5 than the times specified in s. 11.21 (16). This subsection does not apply to any
6 registrant making an indication under s. ~~11.05 (2r)~~ 11.06 (2m).

7 **SECTION 57.** 11.20 (1) of the statutes is amended 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 58.** 11.20 (7) of the statutes is amended to read:

19 11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that
20 any report is required to be filed under this section ~~chapter~~ on a nonbusiness day, it
21 may be filed on the next business day thereafter.

22 **SECTION 59.** 11.20 (9) of the statutes is amended to read:

23 11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty
24 to file reports under this section or s. 11.21 (16), where applicable, continues until a
25 termination report is filed in accordance with s. 11.19.

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1 **SECTION 60.** 11.20 (10) (a) of the statutes is amended to read:

2 11.20 **(10)** (a) Where a requirement is imposed under this section for the filing
3 of a financial report which is to be received by the appropriate filing officer no later
4 than a certain date, the requirement may be satisfied either by actual receipt of the
5 report by the prescribed time for filing at the office of the filing officer, or by filing a
6 report with the U.S. postal service by first class mail with sufficient prepaid postage,
7 addressed to the appropriate filing officer, no later than the 3rd day before the date
8 provided by law for receipt of such report.

9 **SECTION 61.** 11.20 (12) of the statutes is amended to read:

10 11.20 **(12)** If a candidate is unopposed in a primary or election, the obligation
11 to file the reports required by this chapter does not cease. Except as provided in ss.
12 ~~11.05–(2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no
13 contributions, makes no disbursements or incurs no obligations shall so report on the
14 dates designated in subs. (2) and (4).

15 **SECTION 62.** 11.21 (2) of the statutes is amended to read:

16 11.21 **(2)** Furnish to each registrant prescribed forms for the making of reports
17 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
18 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
19 addressed to the attention of the treasurer or other person indicated on the
20 registration statement. Forms need not be sent to a registrant who has made an
21 indication that aggregate contributions, disbursements and obligations will not
22 exceed the amount specified under s. ~~11.05–(2r)~~ 11.06 (2m) or to a registrant who has
23 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by
24 the board to a registrant if the registrant is required to file reports with the board
25 in an electronic format. Whenever any notice of filing requirements under this

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1 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice
2 to the candidate if he or she has appointed a separate treasurer. Failure to receive
3 any form or notice does not exempt a registrant from compliance with this chapter.

4 **SECTION 63.** 11.21 (15) of the statutes is amended to read:

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

11 **SECTION 64.** 11.21 (16) of the statutes is amended to read:

12 11.21 (16) Require each registrant for whom the board serves as filing officer
13 and who or which accepts contributions in a total amount or value of \$20,000 or more
14 during a campaign period to file each campaign finance report that is required to be
15 filed under this chapter in an electronic format, and accept from any other registrant
16 for whom the board serves as a filing officer any campaign finance report that is
17 required to be filed under this chapter in an electronic format. A registrant who or
18 which becomes subject to a requirement to file reports in an electronic format under
19 this subsection shall initially file the registrant's report in an electronic format for
20 the period which includes the date on which the registrant becomes subject to the
21 requirement or, if the registrant is required to report transactions within 24 hours
22 of their occurrence, within 24 hours after the date on which the registrant becomes
23 subject to the requirement. To facilitate implementation of this subsection, the board
24 shall specify, by rule, a type of software that is suitable for compliance with the
25 electronic filing requirement under this subsection. The board shall provide copies

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

20 **SECTION 65.** 11.21 (17) of the statutes is repealed.

21 **SECTION 66.** 11.22 (3) of the statutes is amended to read:

22 11.22 (3) Furnish to each registrant prescribed forms for the making of reports
23 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
24 not later than 14 days prior to the applicable filing deadline under s. 11.20 and
25 addressed to the attention of the treasurer or other person indicated on the

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1 registration statement. Forms need not be sent to a registrant who has made an
2 indication that aggregate contributions, disbursements and obligations will not
3 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
4 been granted a suspension under s. 11.19 (2). Whenever any notice of the filing
5 requirements under this chapter is sent to a candidate's campaign treasurer, the
6 filing officer shall also send a notice to the candidate if he or she has appointed a
7 separate treasurer. Failure to receive any form or notice does not exempt a registrant
8 from compliance with this chapter.

9 **SECTION 67.** 11.23 (1) of the statutes is amended to read:

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

23 **SECTION 68.** 11.23 (2) of the statutes is amended to read:

24 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
25 or group treasurer may not be used or expended. The contribution shall be donated

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1 to the common school fund or to any charitable organization or transferred to the
2 board for deposit in the Wisconsin election campaign fund at the option of the
3 treasurer.

4 **SECTION 69.** 11.24 (2) of the statutes is renumbered 11.24 (5).

5 **SECTION 70.** 11.24 (4) of the statutes is created to read:

6 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
7 elective official or to the personal campaign committee or support committee
8 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
9 official's nomination or reelection to the office held by the official during the period
10 beginning on the date of introduction of the executive budget bill under s. 16.47 (1m)
11 and ending on the date of enactment of the biennial budget act.

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

15 (c) Notwithstanding par. (a), a person may make a contribution to an
16 incumbent partisan state elective official against whom a recall petition is circulated
17 during the period beginning on the date that a petitioner registers an intent to
18 circulate a petition under s. 9.10 (2) (d) and ending on the date of the recall election,
19 except that if the circulation period expires without offering of the recall petition for
20 filing, the filing officer determines not to file the petition, or the official resigns as
21 provided in s. 9.10 (3) (c), the period ends on the date of that event.

22 **SECTION 71.** 11.26 (1) (intro.) of the statutes is amended to read:

23 11.26 (1) (intro.) No Except as otherwise provided for an individual specified
24 in sub. (2), no individual may make any contribution or contributions to a candidate
25 for election or nomination to any of the following offices and to any individual or

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1 committee under s. 11.06 (7) acting solely in support of such a candidate or solely in
2 opposition to the candidate's opponent to the extent of more than a total of the
3 amounts specified per candidate:

4 **SECTION 72.** 11.26 (2) (intro.) of the statutes is amended to read:

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

11 **SECTION 73.** 11.26 (2) (a) of the statutes is amended to read:

12 11.26 (2) (a) Candidates for governor, lieutenant governor, ~~secretary of state,~~
13 ~~state treasurer, attorney general, state superintendent or justice,~~ 4 percent of the
14 value of the disbursement level specified in the schedule under s. 11.31 (1) \$45,000.

15 **SECTION 74.** 11.26 (2) (ad) of the statutes is created to read:

16 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

17 **SECTION 75.** 11.26 (2) (am) of the statutes is created to read:

18 11.26 (2) (am) Candidates for attorney general, \$25,000.

19 **SECTION 76.** 11.26 (2) (au) of the statutes is created to read:

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

22 **SECTION 77.** 11.26 (4) of the statutes is amended to read:

23 11.26 (4) ~~No~~ Except as otherwise provided in sub. (10), no individual may make
24 any contribution or contributions to all candidates for state and local offices and to
25 any individuals who or committees which are subject to a registration requirement

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1 under s. 11.05, including ~~legislative campaign committees and~~ committees of a
2 political party, to the extent of more than a total of \$10,000 in any calendar year. This
3 subsection does not apply to contributions that are transferred by an individual who
4 serves as a conduit.

5 **SECTION 78.** 11.26 (8) of the statutes is amended to read:

6 11.26 **(8)** (a) No political party as defined in s. 5.02 (13) may receive more than
7 a total of \$150,000 \$600,000 in value of its contributions in any biennium from all
8 other committees, excluding ~~contributions from legislative campaign committees~~
9 ~~and transfers between party committees of the party.~~ In this paragraph, a biennium
10 commences with January 1 of each odd-numbered year and ends with December 31
11 of each even-numbered year.

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

15 (c) No committee, other than a political party ~~or legislative campaign~~
16 committee, may make any contribution or contributions, directly or indirectly, to a
17 political party under s. 5.02 (13) in a calendar year exceeding a total value of \$6,000
18 \$18,000.

19 **SECTION 79.** 11.26 (8m) of the statutes is created to read:

20 11.26 **(8m)** (a) In this subsection:

21 1. “Bona fide affiliated committees” means committees established and
22 maintained by statewide labor organizations or trade associations and, respectively,
23 the committees established and maintained by the local branches, units, or divisions
24 of those statewide labor organizations or trade associations.

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1 2. “Trade association” means an organization described in section 501 (c) (6) of
2 the Internal Revenue Code which is exempt from federal income tax under section
3 501 (a) of the Internal Revenue Code.

4 (b) Except as provided in par. (c), no committee may make a contribution to any
5 other committee except a political party, personal campaign, or support committee.

6 (c) Paragraph (b) does not apply to any contribution made by a committee to
7 another committee if the contribution is made between bona fide affiliated
8 committees.

9 **SECTION 80.** 11.26 (9) (a) of the statutes is amended to read:

10 11.26 (9) (a) No individual who is a candidate for state or local office may receive
11 and accept more than 65 percent of the value of the total disbursement level
12 determined under s. 11.31 (1), adjusted as provided in s.11.31 (9), for the office for
13 which he or she is a candidate during any primary and election campaign combined
14 from all committees subject to a filing requirement, including political party and
15 ~~legislative campaign~~ committees. The limitation otherwise applicable under this
16 paragraph to a candidate who qualifies to receive a supplemental grant under s.
17 11.50 (9) (ba) or (bb) is increased by the amount of the supplemental grant.

18 **SECTION 81.** 11.26 (9) (b) of the statutes is amended to read:

19 11.26 (9) (b) No individual who is a candidate for state or local office may receive
20 and accept more than 45 ~~35~~ percent of the value of the total disbursement level
21 determined under s. 11.31 (1), adjusted as provided in s. 11.31 (9), for the office for
22 which he or she is a candidate during any primary and election campaign combined
23 from all committees other than political party and ~~legislative campaign~~ committees
24 subject to a filing requirement. The limitation otherwise applicable under this

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1 paragraph to a candidate who qualifies to receive a supplemental grant under s.
2 11.50 (9) (ba) or (bb) is increased by the amount of the supplemental grant.

3 **SECTION 82.** 11.26 (10) of the statutes is renumbered 11.26 (10) (a) and amended
4 to read:

5 11.26 (10) (a) ~~No~~ Except as provided in par. (b), no candidate for state office who
6 files a sworn statement and application to receive a grant from the Wisconsin election
7 campaign fund may make contributions of more than 200 percent of the amounts
8 specified in sub. (1) to the candidate's own campaign from the candidate's personal
9 funds or property or the personal funds or property which are owned jointly or as
10 marital property with the candidate's spouse, unless the board determines that the
11 candidate is not eligible to receive a grant, or the candidate withdraws his or her
12 application under s. 11.50 (2) (h), ~~or s. 11.50 (2) (i) applies.~~ For purposes of this
13 ~~subsection~~ paragraph, any contribution received by a candidate or his or her
14 personal campaign committee from a committee which is registered with the federal
15 elections commission as the authorized committee of the candidate under 2 USC 432
16 (e) shall be treated as a contribution made by the candidate to his or her own
17 campaign. The contribution limit of sub. (4) applies to amounts contributed by such
18 a candidate personally to the candidate's own campaign and to other campaigns,
19 except that a candidate may exceed the limitation if authorized under this ~~subsection~~
20 paragraph to contribute more than the amount specified to the candidate's own
21 campaign, up to the amount of the limitation.

22 **SECTION 83.** 11.26 (10) (b) of the statutes is created to read:

23 11.26 (10) (b) If a candidate is authorized to make disbursements under s. 11.31
24 (3p) exceeding the limitation otherwise applicable to the candidate as prescribed
25 under s. 11.31 (1) and adjusted under s. 11.31 (9), then the limitation otherwise

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1 applicable to that candidate under par. (a) is increased by an amount equal to the
2 ratio that the amount specified in par. (a) bears to the disbursement limitation
3 specified for that candidate under s. 11.31 (1), as adjusted under s. 11.31 (9),
4 multiplied by the amount of the increased disbursement limitation authorized for
5 that candidate under s. 11.31 (3p).

6 **SECTION 84.** 11.265 of the statutes is repealed.

7 **SECTION 85.** 11.30 (4) of the statutes is amended to read:

8 11.30 (4) No owner or other person with a financial interest in a
9 communications medium may utilize such medium in support of or in opposition to
10 a candidate or referendum, except as provided in this chapter.

11 **(4m)** This chapter shall not be construed to restrict fair coverage of bona fide
12 news stories, interviews with candidates and other politically active individuals,
13 editorial comment or endorsement. Such activities need not be reported as a
14 contribution or disbursement.

15 **SECTION 86.** 11.31 (1) (intro.) of the statutes is amended to read:

16 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are
17 established with reference to the candidates listed below. The levels are subject to
18 adjustment under sub. (9). Except as provided in sub. (2), such levels do not operate
19 to restrict the total amount of disbursements which are made or authorized to be
20 made by any candidate in any primary or other election.

21 **SECTION 87.** 11.31 (1) (a) to (d) of the statutes are amended to read:

22 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$4,000,000.

23 (b) Candidates for lieutenant governor, ~~\$323,475~~ \$500,000.

24 (c) Candidates for attorney general, ~~\$539,000~~ \$700,000.

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1 (d) Candidates for secretary of state, state treasurer, justice or state
2 superintendent, ~~\$215,625~~ \$250,000.

3 **SECTION 88.** 11.31 (1) (de) of the statutes is created to read:

4 11.31 (1) (de) Candidates for justice, \$300,000.

5 **SECTION 89.** 11.31 (1) (e) and (f) of the statutes are amended to read:

6 11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$150,000 total in the primary
7 and election, with disbursements not exceeding ~~\$21,575~~ \$108,000 for either the
8 primary or the election.

9 (f) Candidates for representative to the assembly, ~~\$17,250~~ \$75,000 total in the
10 primary and election, with disbursements not exceeding ~~\$10,775~~ \$54,000 for either
11 the primary or the election.

12 **SECTION 90.** 11.31 (2) of the statutes is amended to read:

13 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
14 election who files a sworn statement and application to receive a grant from the
15 Wisconsin election campaign fund may make or authorize total disbursements from
16 the campaign treasury in any campaign to the extent of more than the amount
17 prescribed in sub. (1), adjusted as provided under sub. (9), unless the board
18 determines that the candidate is not eligible to receive a grant, the candidate
19 withdraws his or her application under s. 11.50 (2) (h), or ~~s.11.50 (2) (i) applies sub.~~
20 (3p) applies to that candidate. No candidate for state office at a special election who
21 files a sworn statement and application to receive a grant from the Wisconsin election
22 campaign fund may make or authorize total disbursements from the campaign
23 treasury in any campaign to the extent of more than the amount prescribed under
24 sub. (1), adjusted as provided under sub. (9), for the preceding spring or general
25 election for the same office, unless the board determines that the candidate is not

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1 eligible to receive a grant, the candidate withdraws his or her application under s.
2 11.50 (2) (h), or ~~s.11.50 (2) (i)~~ applies sub. (3p) applies to that candidate.

3 **SECTION 91.** 11.31 (2m) of the statutes is repealed:

4 **SECTION 92.** 11.31 (3) of the statutes is amended to read:

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

11 **SECTION 93.** 11.31 (3p) of the statutes is created to read:

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

16 **SECTION 94.** 11.31 (9) of the statutes is created 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

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1 consumer price index for calendar year 2007. 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 95.** 11.38 (1) (a) 2. of the statutes is amended to read:

10 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association
11 may establish and administer a separate segregated fund and solicit contributions
12 from individuals to the fund to be utilized by such corporation or association, for the
13 purpose of supporting or opposing any candidate for state or local office but the
14 corporation or association may not make any contribution to the fund. The fund shall
15 appoint a treasurer and shall register as a political committee under s. 11.05. A
16 parent corporation or association engaging solely in this activity is not subject to
17 registration under s. 11.05, but shall register and file special reports on forms
18 prescribed by the board disclosing its administrative and solicitation expenses on
19 behalf of such fund. A corporation not domiciled in this state need report only its
20 expenses for administration and solicitation of contributions in this state together
21 with a statement indicating where information concerning other administration and
22 solicitation expenses of its fund may be obtained. The reports shall be filed with the
23 filing officer for the fund specified in s. 11.02 in the manner in which continuing
24 reports are filed under s. 11.20 (4) and (8), and s. 11.21 (16), if applicable.

25 **SECTION 96.** 11.38 (6) of the statutes is amended to read:

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1 11.38 (6) Any individual or campaign treasurer who receives funds in violation
2 of this section shall promptly return such funds to the contributor or donate the
3 funds to the common school fund or a charitable organization, or transfer the funds
4 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
5 option.

6 **SECTION 97.** 11.38 (8) (b) of the statutes is amended to read:

7 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
8 any disbursement on behalf of a political group which is promoting or opposing a
9 particular vote at a referendum and prior to accepting any contribution or making
10 any disbursement to promote or oppose a particular vote at a referendum, a
11 corporation or association organized under ch. 185 or 193 shall register with the
12 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The
13 registration form of the corporation or association under s. 11.05 shall designate an
14 account separate from all other corporation or association accounts as a campaign
15 depository account, through which all moneys received or expended ~~for the adoption~~
16 ~~or rejection of~~ to promote or oppose a particular vote at the referendum shall pass.
17 The corporation or association shall file periodic reports under s. 11.20, and under
18 s. 11.21 (16), if applicable, providing the information required under s. 11.06 (1).

19 **SECTION 98.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

20 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general
21 account:

22 **SECTION 99.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

23 **SECTION 100.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b.

24 **SECTION 101.** 11.50 (1) (a) 2m. of the statutes is created to read:

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1 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
2 account, an individual who is certified under s. 7.08 (2) (a) in the general election or
3 under s. 8.50 (1) (d) in a special election as the candidate of an eligible political party
4 for a state office, other than district attorney, or an individual who has been lawfully
5 appointed and certified to replace such an individual on the ballot at the general or
6 a special election and who has qualified for a grant under sub. (2).

7 **SECTION 102.** 11.50 (1) (am) of the statutes is created to read:

8 11.50 (1) (am) “Eligible political party” means any of the following:

9 1. A party qualifying under s. 5.62 (2) for a separate ballot or one or more
10 separate columns or rows on a ballot for the period beginning on the preceding June
11 1, or, if that June 1 is in an odd-numbered year, the period beginning on June 1 of
12 the preceding even-numbered year, and ending on May 31 of the 2nd year following
13 the beginning of that period.

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

18 **SECTION 103.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

19 11.50 (1) (bm) “General account” means the account in the fund created under
20 sub. (2w).

21 (cm) “Political party account” means an account in the fund created under sub.
22 (2s).

23 **SECTION 104.** 11.50 (1) (e) of the statutes is created to read:

24 11.50 (1) (e) “Qualifying period” means the period beginning on July 1
25 preceding the date of the spring primary and ending on the date of the spring primary

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1 in the case of candidates at the spring election; the period beginning on January 1
2 preceding the date of the September primary and ending on the date of the
3 September primary in the case of candidates at the general election; or the period
4 beginning on the 90th day beginning before the date on which a special primary will
5 or would be held, if required, or the date on which a special election is ordered,
6 whichever is earlier, and ending on the date of a special election, in the case of
7 candidates at a special election.

8 **SECTION 105.** 11.50 (2) (a) of the statutes is amended 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 prescribed under s. 11.31 (2), as adjusted
19 under s. 11.31 (9), at all times to which such limitations have applied to his or her
20 candidacy and will continue to comply with the limitations at all times to which the
21 limitations apply to his or her candidacy for the office in contest, unless the board
22 determines that the candidate is not eligible to receive a grant, the candidate
23 withdraws his or her application under par. (h), or ~~par (i)~~ s. 11.31 (3p) applies.

24 **SECTION 106.** 11.50 (2) (b) 5. of the statutes is amended to read:

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1 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
2 of the date of the spring or September primary, or the date that the special primary
3 is or would be held, if required, indicate that the candidate has received at least the
4 amount provided in this subdivision an amount equal to 5 percent of the applicable
5 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
6 under s. 11.31 (9), from contributions of money, other than loans, made by individuals
7 who reside in this state and, in the case of a candidate for legislative office, except
8 as provided in par. (bm), at least 50 percent of the amount of which are made by
9 individuals who reside within the legislative district in which the candidate seeks
10 office, which have been received during the qualifying period ending on the date of
11 the spring primary and July 1 preceding such date in the case of candidates at the
12 spring election, or the date of the September primary and January 1 preceding such
13 date in the case of candidates at the general election, or the date that a special
14 primary will or would be held, if required, and 90 days preceding such date or the
15 date a special election is ordered, whichever is earlier, in the case of special election
16 candidates, which contributions are in the aggregate amount of \$100 or less, and
17 which are fully identified and itemized as to the exact source thereof. A contribution
18 received from a conduit which is identified by the conduit as originating from an
19 individual shall be considered a contribution made by the individual. Only Except
20 as authorized in par. (bm), only the first \$100 of an aggregate contribution of more
21 than \$100 may be counted toward the required percentage. ~~For a candidate at the~~
22 ~~spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at~~
23 ~~a special election, the required amount to qualify for a grant is 5 percent of the~~
24 ~~candidate's authorized disbursement limitation under s. 11.31. For any other~~

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1 ~~candidate at the general election, the required amount to qualify for a grant is 10~~
2 ~~percent of the candidate's authorized disbursement limitation under s. 11.31.~~

3 **SECTION 107.** 11.50 (2) (bm) of the statutes is created to read:

4 11.50 (2) (bm) A candidate for legislative office may substitute contributions
5 received by the candidate from political party committees for not more than 50
6 percent of the contributions that are required under par. (b) 5. to be received from
7 individuals who reside within the legislative district in which the candidate seeks
8 office.

9 **SECTION 108.** 11.50 (2) (c) of the statutes is amended to read:

10 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the
11 spring primary, September primary, special primary, or date that the special primary
12 would be held, if required, which indicate that he or she has met the qualification
13 under par. (b) 5., the candidate may file a special report with the board. Such report
14 shall be filed not later than the 7th day after the primary, or 7th day after the date
15 the primary would be held, if required, and shall include such supplementary
16 information as to sources of contributions which may be necessary to complete the
17 candidate's qualification. The special report shall cover the period from the day after
18 the last date covered on the candidate's most recent report, or from the date on which
19 the first contribution was received or the first disbursement was made, whichever
20 is earlier, if the candidate has not previously filed a report, to the date of such report.
21 All information included on the special report shall also be included in the
22 candidate's next report under s. 11.20 or 11.21 (16).

23 **SECTION 109.** 11.50 (2) (f) of the statutes is amended to read:

24 11.50 (2) (f) The board shall inform each candidate in writing of the approval
25 or disapproval of the candidate's application, as promptly as possible after the date

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1 of the spring primary, September primary, special primary, or date that the primary
2 would be held, if required. With respect to a candidate at a special election who
3 applies for a postelection grant under sub. (1) (a) ~~2.~~ 1. b., the board shall inform the
4 candidate in writing of the conditional approval or disapproval of the candidate's
5 application at the same time.

6 **SECTION 110.** 11.50 (2) (g) of the statutes is amended to read:

7 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
8 in accordance with this subsection accepts and agrees to comply with the
9 contribution limitations prescribed in s. 11.26 and the disbursement limitations
10 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
11 or herself and his or her agents during the campaign as defined in s. 11.31 (7), as a
12 precondition to receipt of a grant under this section, unless the board determines
13 that the candidate is not eligible to receive a grant, the candidate withdraws the
14 application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

15 **SECTION 111.** 11.50 (2) (i) of the statutes is repealed.

16 **SECTION 112.** 11.50 (2s) of the statutes is created to read:

17 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party
18 account for each eligible political party whose state chairperson files a written
19 request with the board to establish an account for the party under this subsection.
20 Each political party account consists of all moneys designated by individuals for
21 deposit in that account under s. 71.10 (3) (a).

22 (b) From the account of each eligible political party, the board shall apportion
23 moneys to eligible candidates representing that party who qualify to receive grants.
24 If at any election there are insufficient moneys in the account of any eligible political
25 party to make full payment of all grants for which candidates of that political party

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1 qualify, the board shall apportion the available moneys in the account to candidates
2 of the political party in the proportion that the available moneys bear to the total
3 amount required to make full payment of all grants payable to candidates of that
4 political party. If any candidate of a political party qualifies to receive a
5 supplemental grant under sub. (9) (ba) or (bb) the board shall first make payment
6 of the supplemental grant from the account of that political party using the method
7 of apportionment provided in this paragraph if necessary.

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

11 **SECTION 113.** 11.50 (2w) of the statutes is created to read:

12 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
13 the fund consisting of all moneys in the fund not designated by individuals for deposit
14 in a political party account under s. 71.10 (3) (a).

15 **SECTION 114.** 11.50 (3) of the statutes is repealed.

16 **SECTION 115.** 11.50 (4) of the statutes is repealed.

17 **SECTION 116.** 11.50 (4e) of the statutes is created to read:

18 11.50 (4e) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment
19 of each grant to an eligible candidate from the political party account of that
20 candidate's political party, if any, if there are sufficient moneys in that account to
21 make full payment of the grant, and then from the general account. If there are
22 insufficient moneys in the general account to make full payment of a grant, the state
23 treasurer shall supplement the general account from the appropriation under s.
24 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
25 provided in sub. (10), the amount of each grant is the amount specified in sub. (9).

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1 **SECTION 117.** 11.50 (5) (title) of the statutes is amended to read:

2 11.50 (5) (title) TIME OF DISBURSEMENT GRANT PAYMENTS.

3 **SECTION 118.** 11.50 (5) of the statutes is renumbered 11.50 (5) (a) and amended
4 to read:

5 11.50 (5) (a) ~~The Except as provided in par. (b), the state treasurer shall make~~
6 the disbursements to the campaign depository account of each eligible candidate
7 ~~under subs. (3) and (4) by the end of the 3rd business day following notice from the~~
8 board under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for governor and lieutenant~~
9 ~~governor of the same political party may combine accounts if desired.~~

10 **SECTION 119.** 11.50 (5) (b) (c) of the statutes is created to read:

11 11.50 (5) (b) If an eligible candidate notifies the state treasurer of the
12 information required to make electronic transfers to the candidate's campaign
13 depository account, the state treasurer shall transfer to the campaign depository
14 account of that candidate any grant payment that becomes payable to the candidate
15 under sub. (9) as soon as possible following notice from the board under s. 7.08 (2)
16 (c) or (cm), but no later than the time specified in par. (a).

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

19 **SECTION 120.** 11.50 (6) of the statutes is amended to read:

20 11.50 (6) EXCESS MONEYS. If the ~~amounts which are to be apportioned to each~~
21 ~~amount that is payable to any~~ eligible candidate under subs. (3) and (4) are this
22 section is more than the amount which a candidate may accept under sub. (9), or
23 more than the amount ~~which~~ that a candidate elects to accept under sub. (10), the
24 excess moneys shall be retained in the fund.

25 **SECTION 121.** 11.50 (9) (title) of the statutes is amended to read:

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1 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

2 **SECTION 122.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
3 to read:

4 11.50 (9) (a) ~~The~~ Except as provided in this paragraph and pars. (ba) and (bb),
5 the total grant available to an eligible candidate may not exceed that amount which,
6 when added to all other contributions accepted from sources other than individuals,
7 and political party committees ~~and legislative campaign committees~~, is equal to 45
8 35 percent of the disbursement level specified for the ~~applicable office~~ that the
9 candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s.
10 11.31 (9). The board shall scrutinize accounts and reports and records kept under
11 this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are
12 not exceeded and any violation is reported. No candidate or campaign treasurer may
13 accept grants exceeding the amount authorized by this subsection.

14 **SECTION 123.** 11.50 (9) (ba) and (bb) of the statutes are created to read:

15 11.50 (9) (ba) If an eligible candidate at a primary or election, or both, who
16 accepts a grant is opposed by one or more candidates who are required, or whose
17 personal campaign committees are required, to file a report under s. 11.12 (8), then
18 the board shall make an additional grant to the eligible candidate who accepts a
19 grant in an amount equal to the total amount or value of disbursements, as reported
20 under s. 11.12 (8), made by the opposing candidate or candidates exceeding the
21 amount specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the
22 candidate seeks, as adjusted under s. 11.31 (9), but not more than, together with any
23 additional grant provided under par. (bb), an amount equal to 3 times for the amount
24 specified in s. 11.31 (1) (a) to (de), (e), or (f) for the office that the eligible candidate
25 seeks, as adjusted under s. 11.31 (9).

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1 (bb) If the sum of the aggregate disbursements made by committees against an
2 eligible candidate and the aggregate disbursements made by committees for that
3 candidate's opponent, as reported under s. 11.12 (6) (c), exceeds 10 percent of the
4 amount specified under s. 11.31 (1) (a) to (de), (e), or (f), for the office that the eligible
5 candidate seeks as adjusted under s. 11.31 (9), then the board shall make an
6 additional grant to the eligible candidate in an amount equal to that sum but not
7 more than, together with any additional grant provided under par. (ba), an amount
8 equal to 3 times the amount specified in s. 11.31 (1) (a) to (de), (e) or (f) for the office
9 that the eligible candidate seeks, as adjusted under s. 11.31 (9).

10 **SECTION 124.** 11.50 (11) (e) of the statutes is amended 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, except as authorized in sub. (2) (h)
14 or (i).

15 **SECTION 125.** 11.50 (13) of the statutes is amended to read:

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

18 **SECTION 126.** 11.50 (14) of the statutes is created 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 written request to establish an account for the party
24 under sub. (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 and whose state chairperson has filed a written request to establish
4 an account for the party under sub. (2s) (a).

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

7 **SECTION 127.** 11.60 (3s) and (3u) of the statutes are created to read:

8 11.60 **(3s)** Notwithstanding sub. (1), if any candidate or committee, other than
9 a conduit, makes a disbursement for the purpose of supporting or opposing a
10 candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) without reporting
11 the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with respect
12 to that disbursement, to the extent required under ss. 11.12 (6) (c) and (8) and 11.20
13 (3) and (4) and 11.21 (16), the candidate or committee may be required to forfeit not
14 more than \$500 per day for each day of continued violation.

15 **(3u)** Notwithstanding sub. (1), if any person, including any candidate or
16 committee to whom s. 11.12 (6) (c) or (8) applies, makes any disbursement for the
17 purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1)
18 (a) to (de), (e), or (f) in an amount or value that differs from the amount reported by
19 that person under s. 11.12 (6) (c) or (8), 11.20 (3) or (4), or 11.21 (16):

20 (a) By more than 5 percent but not more than 10 percent cumulatively, the
21 person shall forfeit 4 times the amount or value of the difference.

22 (b) By more than 10 percent but not more than 15 percent cumulatively, the
23 person shall forfeit 6 times the amount or value of the difference.

24 (c) By more than 15 percent cumulatively, the person shall forfeit 8 times the
25 amount of the difference.

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1 **SECTION 128.** 11.60 (4) of the statutes is amended to read:

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

19 **SECTION 129.** 11.61 (1) (a) of the statutes is amended to read:

20 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) ~~or (2r)~~, 11.07
21 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 (4) is guilty of a Class I felony.

22 **SECTION 130.** 20.510 (1) (q) of the statutes is amended to read:

23 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
24 appropriation, from the Wisconsin election campaign fund, the moneys determined

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1 under s. 11.50 to provide for payments to eligible candidates certified under s. 7.08
2 (2) (c) and (cm).

3 **SECTION 131.** 20.855 (4) (ba) of the statutes is created to read:

4 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
5 equal to the amount required to make full payment of grants which candidates
6 qualify to receive from the Wisconsin election campaign fund, to be transferred from
7 the general fund to the Wisconsin election campaign fund whenever candidates
8 qualify to receive grants under s. 11.50 (9) no later than the time required to make
9 payments of grants under s. 11.50 (5).

10 **SECTION 132.** 25.42 of the statutes is amended to read:

11 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
12 s. 20.855 (4) (b) and (ba) together with all moneys reverting to the state under s. ss.
13 8.35 (4) (a), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys
14 reverting to the state under s. 11.50 (8), and all gifts, bequests and devises received
15 under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended
16 for the purposes of s. 11.50. All moneys in the fund not disbursed by the state
17 treasurer shall continue to accumulate indefinitely.

18 **SECTION 133.** 71.07 (6n) of the statutes is created to read:

19 71.07 (6n) PUBLIC INTEGRITY ENDOWMENT TAX CREDIT. (a) *Definitions.* In this
20 subsection:

21 1. “Claimant” means an individual who makes a contribution and files a claim
22 under this subsection.

23 2. “Contribution” means a contribution, as defined in s. 11.01 (6), made to the
24 Public Integrity Endowment created under 2005 Wisconsin Act (this act), section
25 137 (1).

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1 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
2 claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08, up
3 to the amount of those taxes, an amount equal to the claimant's contribution in the
4 taxable year to which the claim relates.

5 (c) *Limitations.* No credit may be allowed under this subsection unless it is
6 claimed within the time period under s. 71.75 (2).

7 (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit
8 under that subsection, applies to the credit under this subsection.

9 **SECTION 134.** 71.10 (3) (a) and (b) of the statutes are amended to read:

10 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
11 or is entitled to a tax refund may designate \$1 \$5 for transfer to the Wisconsin
12 election campaign fund ~~for the use of eligible candidates under s. 11.50.~~ If the
13 individuals filing a joint return have a tax liability or are entitled to a tax refund,
14 each individual may make a designation of \$1 \$5 under this subsection. Each
15 individual making a designation shall indicate whether the amount designated by
16 the individual shall be placed in the general account for the use of all eligible
17 candidates for state office, or in the account of an eligible political party whose name
18 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not
19 indicate that the amount of his or her designation shall be placed in the account of
20 a particular eligible political party, that amount shall be placed in the general
21 account.

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

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1 ~~department of administration and the state treasurer under s. 11.50 the total~~
2 ~~amount of designations made during the preceding fiscal year. No later than the 15th~~
3 ~~day of each month, the secretary of revenue shall certify to the elections board, the~~
4 ~~department of administration, and the state treasurer the total amount of~~
5 ~~designations made on returns processed by the department of revenue during the~~
6 ~~preceding month and the amount of designations made during that month for the~~
7 ~~general account and for the account of each eligible political party.~~ If any individual
8 attempts to place any condition or restriction upon a designation not authorized
9 under par. (a), that individual is deemed not to have made a designation on his or her
10 tax return.

11 **SECTION 135.** 71.10 (4) (ds) of the statutes is created to read:

12 71.10 (4) (ds) The Public Integrity Endowment tax credit under s. 71.07 (6n).

13 **SECTION 136.** 806.041 of the statutes is created to read:

14 **806.041 Campaign finance registration.** Any person who proposes to
15 publish, disseminate, or broadcast, or causes to be published, disseminated, or
16 broadcast, any communication may commence a proceeding under s. 806.04 to
17 determine the application to that person of a registration requirement under s. 11.05
18 (1), (2), or (2g).

19 **SECTION 137. Nonstatutory provisions.**

20 (1) PUBLIC INTEGRITY ENDOWMENT. The executive director of the elections board
21 shall prepare and file articles of incorporation for the incorporation under chapter
22 181 of the statutes of an organization to be known as the “Public Integrity
23 Endowment.” The executive director shall ensure that the organization is structured
24 so that it will qualify as a nonprofit organization, as defined in section 108.02 (19)
25 of the statutes. The executive director shall specify in the articles of incorporation

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1 that the sole purpose of the foundation shall be to solicit contributions for the purpose
2 of, before January 1, 2009, supplementing the assets of the Wisconsin election
3 campaign fund and, after December 31, 2008, supplementing the assets of the
4 general account of that fund, and transferring those contributions, after deduction
5 of solicitation costs, to that fund or account.

6 (2) WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER. The balance in the
7 Wisconsin election campaign fund on the effective date of this subsection is credited
8 to the general account of the Wisconsin election campaign fund established under
9 section 11.50 (2w) of the statutes, as created by this act.

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

15 **SECTION 138. Initial applicability.**

16 (1) Except as provided in subsection (2), this act first applies to elections held
17 on the effective date of this subsection.

18 (2) The treatment of section 11.31 (9) of the statutes first applies to adjustments
19 for the biennium beginning on January 1, 2010.

20 (3) The treatment of sections 71.07 (6n) and 71.10 (3) (a) and (b) and (4) (ds) of
21 the statutes first applies to taxable years beginning on January 1 of the year in which
22 this subsection takes effect, except that if this subsection takes effect after July 31
23 the treatment first applies to taxable years beginning on January 1 of the year
24 following the year in which this subsection takes effect.

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1 **SECTION 139. Effective dates.** This act takes effect on January 1, 2008, or on
2 the day after publication, whichever is later, except as follows:

3 (1) SECTION 137 (1) takes effect on the day after publication.

4 **(END)**