



**2007 DRAFTING REQUEST**

**Bill**

Received: **10/04/2006**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Mike Boerger**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **mshovers**

Subject: **Elections - campaign finance  
Tax, Individual - income  
Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Ellis@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Campaign finance changes; free television access; individual income tax credit

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**Instructions:**

Per 2005 SB-46, but provide sum sufficient from GPR to finance grants if WECF has insufficient revenue from endowment or other sources and require full registration and reporting by individuals and committees who make mass communications, as defined in the bill.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 11/27/2006	csicilia 11/28/2006		_____			State
/1			jfrantze 12/04/2006	_____	sbasford 12/04/2006	sbasford 01/04/2007	

FE Sent For:

<END>

↳ At  
Intro.

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/1			jfrantze 12/04/2006	_____	sbasford 12/04/2006	Per Ellis's office 1/4	

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1/1	jkuesel 11/27/06	1 ijs 12/4 06	jkuesel 12/1 12/4	jkuesel 12/4			

FE Sent For:

<END>

written by Mon 12/4

CS

SA comment ✓  
SA Prev ✓

# 2005 SENATE BILL 46

February 8, 2005 - Introduced by Senators ELLIS, RISSER, HARSDORF, SCHULTZ, A. LASEE, LASSA and COWLES, cosponsored by Representatives FREESE, KAUFERT, MUSSER, ZEPNICK and ALBERS. Referred to Committee on Campaign Finance Reform and Ethics.

(regenerate)

1 AN ACT ~~to repeal~~ 11.01 (12s), 11.01 (12w), 11.01 (14), 11.01 (16) (a) 3., 11.01 (17g)  
2 and (17r), 11.05 (2r), 11.05 (3) (o), 11.06 (1) (cm) and (dm), 11.06 (3r), 11.06 (3w),  
3 11.06 (11) (bm), 11.20 (8) (am), 11.21 (17), 11.24 (1w), 11.26 (1m) and (1t), 11.26  
4 (2) (ae), 11.26 (2) (as), 11.26 (2) (av), 11.26 (2m) and (2t), 11.26 (8n) and (8r),  
5 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.265, 11.31 (2m), 11.385, 11.50 (1) (a)  
6 2., 11.50 (2) (b) 6., 11.50 (2) (i), 11.50 (2) (j), 11.60 (3r), 71.07 (6s) and 71.10 (4)  
7 (gw); **to renumber** 11.24 (2); **to amend** 5.05 (1) (e), 11.05 (12) (title), 11.29 (1),  
8 11.30 (4) and 11.50 (13); **to repeal and recreate** 5.02 (13), 5.05 (2), 7.08 (2) (c)  
9 and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m), 11.01  
10 (4m), 11.01 (13), 11.05 (1), 11.05 (2), 11.05 (3) (c), 11.05 (3) (m), 11.05 (3) (r), 11.05  
11 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06  
12 (1) (e), 11.06 (2), 11.06 (2m) (title) and (a), 11.06 (2m) (b) to (d), 11.06 (3) (b)  
13 (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07  
14 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.12

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1 (8) and (9), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20  
2 (2), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),  
3 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.24 (4), 11.26 (1)  
4 (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (2) (am), 11.26 (3), 11.26 (4), 11.26  
5 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26  
6 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (de), 11.31 (1) (e) and (f),  
7 11.31 (2), 11.31 (3), 11.31 (3p), 11.31 (9), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b),  
8 11.50 (1) (a) 1., 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50  
9 (2) (a), 11.50 (2) (b) 3., 11.50 (2) (b) 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f),  
10 11.50 (2) (g), 11.50 (2) (h), 11.50 (2s), 11.50 (2w), 11.50 (3), 11.50 (4), 11.50 (5),  
11 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.50  
12 (14), 11.60 (4), 11.61 (1) (a), 25.42, 71.10 (3) and 806.04 (11m); **to create** 7.08  
13 (2) (cs), 11.01 (14m), 11.01 (16) (c), 11.05 (5r), 11.065, 11.12 (2m), 11.26 (2) (ad),  
14 11.26 (2) (au), 11.26 (8m), 11.31 (3r), 11.50 (1) (e), 11.50 (2) (bm), 11.50 (4e), 11.50  
15 (10), 11.60 (3s), (3t) and (3u), 71.07 (6n) and 71.10 (4) (ds) of the statutes; and  
16 **to affect** 2001 Wisconsin Act 109, section 9115 (2v), (2w) and (2x), 2001  
17 Wisconsin Act 109, section 9115 (2y), 2001 Wisconsin Act 109, section 9132 (4v),  
18 2001 Wisconsin Act 109, section 9215 (3v), 2001 Wisconsin Act 109, section 9244  
19 (6v), 2001 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin Act  
20 109, section 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx); **relating**  
21 **to:** campaign financing, designations for the Wisconsin election campaign fund  
22 by individuals filing state income tax returns, creating a nonrefundable  
23 individual income tax credit for contributions to the Public Integrity  
24 Endowment, candidate time on public broadcasting television stations and  
25 public access channels, statewide voter registration, staffing of the Elections

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Board, providing exemptions from emergency rule procedures, granting rule-making authority, and providing 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.

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

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

**FILING OF CAMPAIGN FINANCE REPORTS**

***Exemptions from registration and reporting***

Currently, with certain limited exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

This bill provides that no reporting is required under current reporting requirements for, and no registration is required solely on account of, the making of

*campaign*

*(expenditures)*

*or transfers*



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an expenditure, other than by a candidate or personal campaign, candidate support, or political party committee, for a mass communication which does not expressly advocate the election, defeat, recall, or retention of a clearly identified candidate or a particular result in a referendum. The bill, however, establishes new reporting requirements for persons making expenditures for certain mass communications (see below).

The bill also 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.

~~None of the above changes was included in Act 109.~~

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

~~This change was included in Act 109.~~

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

~~The above changes were not included in Act 109.~~

**Reporting thresholds**

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

In addition, the bill permits an individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions, 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

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*To reporting requirements \**

*also*

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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.

The above changes were included in Act 109.

**Mass communications**

Currently, individuals who accept contributions, organizations which make or accept contributions, or individuals who or organizations which incur obligations or make disbursements (expenditures) 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 reporting requirements, in addition, upon any individual who or organization that, during the period beginning on the 30th day before a primary election for an office to be filled at a general, special, or spring election and the date of that general, special, or spring election or, if no primary is held, during a similar 60-day period preceding a general, special, or spring election and by means of a printed advertisement, commercial billboard, radio or television advertisement, mass mailing, telephone call, or similar means, makes any expenditure independently of a candidate for the purpose of making one or more communications which include the name, photograph, or drawing of, or an unambiguous reference to, a candidate for a state office other than court of appeals judge, circuit judge, or district attorney to be filled at that election. This requirement applies to expenditures to finance what is commonly referred to as "issue advocacy" and to certain independent disbursements by individuals other than candidates and organizations that are not primarily organized for a political purpose that are exempt from reporting under current law. The reporting requirement does not apply unless the individual or organization makes one or more expenditures for these communications exceeding \$500 cumulatively with respect to an election. In addition, the reporting requirement does not apply to bona fide news or editorial coverage, or to a communication made by a corporation, cooperative, or nonpolitical voluntary association that is limited to the organization's members, shareholders, or subscribers.

The report required under the bill must be made within 24 hours after the date on which a communication is made (regardless of whether it has been paid for at that time) and must include the name, address, and telephone number of the individual or organization that makes the expenditure or expenditures, the name of each candidate identified in each communication, a statement as to whether the communication is intended to support or oppose that candidate (and, if so, an identification of the candidate who is supported or opposed), the total amount or value of the expenditure used to fund the communication, and the cumulative total expenditures made by the individual or organization with respect to that election. The bill permits the board to obtain a copy of any reported communication, under

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certain circumstances, in order to determine whether the communication was intended to support or oppose a candidate. Any such determination applies for purposes of granting exemptions from disbursement limits (see below) and to potentially enable an opposing candidate to qualify for a matching grant from the Wisconsin election campaign fund (see below).

Act 109 contained similar but not identical provisions.

***Special reporting by certain registrants***

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 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 of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a grant from the Wisconsin election campaign fund (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 90 percent of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports, by electronic mail or facsimile transmission, with the Elections Board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The reports must be filed no later than 24 hours after the date on which each disbursement is made, and must specify the amount of the disbursement. The reports must be filed during the period beginning with the date on which a disbursement is made or the 7th day after the applicable primary election or the date on which a primary would be held, if required, whichever is later, and ending with date of the election at which the candidate seeks office.

The bill also creates additional reporting requirements applicable to special interest committees, other than conduits, that make disbursements 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 during the period beginning on the 30th day before a primary election for an office to be filled at a general, special, or spring election and the date of that general, special, or spring election or, if no primary is held, during a similar 60-day period preceding a general, special, or spring election. These additional reporting requirements do not apply to communications that are made by

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a corporation, cooperative, or nonpolitical voluntary association and that are limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers. Under the bill, special interest committees must file these additional reports within 24 hours after a reportable transaction occurs. The reports must include the name of each candidate who is supported or opposed by each disbursement and the total amount of disbursements made for such a purpose in support of or opposition to that candidate on the date on which the disbursement is made and the cumulative total of such disbursements made by the committee with respect to that election.

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

***Timeliness in filing reports***

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

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

~~This change was included in Act 109.~~

**DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS**

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

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

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<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

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

2. It creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in <sup>2005</sup>~~2006~~, in accordance with a formula tied to the "consumer price index" determined by the U.S. Department of Labor.

~~This change was included in Act 109.~~

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).

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

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; <sup>and</sup> 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; <sup>and</sup> 3) ~~the amount or value of expenditures made by individuals or organizations for mass communications in opposition to the candidate or in support of his or her opponent during election campaign periods, as reported to the Elections Board.~~

~~Act 109 made similar but not identical changes.~~

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.

~~Act 109 did not include this change.~~

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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.

~~Act 109 did not include this change.~~

**CONTRIBUTION LIMITATIONS**

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

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

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

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

*an amount equal to*



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

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 expenditures for mass communications~~ made 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.

~~This change was included in Act 109.~~

**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.

~~Act 109 included a similar but not identical provision.~~

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.

~~Act 109 contained a similar but not identical provision.~~

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

~~Act 109 did not include this change.~~

**DISPOSITION OF RESIDUAL OR EXCESS FUNDS**

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

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

~~This change was included in Act 109.~~

**WISCONSIN ELECTION CAMPAIGN FUND**

**Sources and uses of funds**

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

This bill does the following:

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

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

*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.*

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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 foundation 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 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.

~~Act 109 did not include this change.~~

***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

corporation

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sources other than individuals, political party committees, and legislative campaign committees, is equal to 45 percent of the authorized disbursement level for the office which the candidate seeks. No grants are available to finance campaign expenses in primary elections.

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

This bill does the following:

1. It provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 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.

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

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, ~~if there is sufficient money in the Wisconsin election campaign fund to finance that grant,~~ unless the candidate qualifies to receive a supplemental grant (see below).

~~Act 109 included other changes to maximum grant amounts.~~

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, ~~together with the total amount of any expenditures made independently of any candidate in close proximity to the election for the purpose of making certain mass communications to oppose the candidate who accepts a grant 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. ~~Supplemental grants are contingent upon availability of moneys in the Wisconsin election campaign fund sufficient to make payment of the grants.~~

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

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 3rd business day after the Elections Board notifies the treasurer that a candidate has qualified to receive a grant.

~~Act 109 did not include this change.~~

**PENALTIES FOR VIOLATIONS**

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

Currently, whoever intentionally violates certain provisions of the campaign finance law, such as registration requirements, contribution limitations, the prohibition against making contributions in the name of another person, the prohibition against using contributions for most nonpolitical purposes, and the 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, ~~or makes any other expenditure for the purpose of making certain mass media communications (see above)~~ 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.

~~Act 109 did not include this change.~~

**SENATE BILL 46**

*Current law*

**PUBLIC BROADCASTING TELEVISION STATIONS AND PUBLIC ACCESS CHANNELS**

Act 109 requires, effective on July 1, 2003, that free time on public broadcasting television stations and public access channels be provided to candidates for state office. Under current law, the Federal Communications Commission grants licenses for the operation of public broadcasting television stations. Also under current law, a city, village, or town is authorized to grant a franchise to a person that allows that person to operate a cable television system in the city, village, or town. Under the franchise, the person may be required to provide cable television channels that the city, village, or town may use for public, educational, or governmental purposes. A channel that is used exclusively for public, rather than educational or governmental purposes, is commonly referred to as a public access channel. A city, village, or town may operate a public access channel, or a city, village, or town may allow another person to operate the channel. Act 109 also required the Elections Board to promulgate rules that require licensees of public broadcasting stations and operators of public access channels to provide a minimum amount of free time to candidates for state office at general, spring, and special elections. The rules must require the same amount of time for each candidate for a particular state office, but may require different amounts of time for different offices. These changes are not affected by the court decision in Wisconsin Realtors Association v. Ponto (see above).

*Current law requires*

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 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**

*2008 ✓*

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All campaign finance changes under the bill apply to elections held on or after January 1, 2006, except that the directive to incorporate a Public Integrity Endowment ~~and the creation of an individual income tax credit for contributions to the endowment~~ takes effect on the day on which the bill becomes law and changes to the income tax checkoff 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. ✓

*Under the bill*

*\* \**

**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 for mass communications; 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 expenditures for mass communications or independent disbursements, including those that are reportable under current law; c) parts relating to the reporting such

*and the creation of an individual income tax credit for contributions to the endowment*

*stays*

*and obligations by candidates and special interest committees*

*or obligations*



**SENATE BILL 46**

~~expenditures or disbursements; d) parts relating to the provision of supplemental grants to candidates who are intended to be opposed or whose opponents are intended to be supported through the use of such contributions; and e) parts relating to prohibiting contributions from being made by committees to special interest committees.~~

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

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

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

9           **SECTION 2.** 5.05 (1) (e) of the statutes is amended to read:

10           **5.05 (1) (e)** Delegate to its executive director the authority to issue a subpoena  
11           under par. (b), apply for a search warrant under par. (b), commence an action under  
12           par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.  
13           5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),  
14           exempt a municipality from the requirement to use voting machines or an electronic  
15           voting system under s. 5.40 (5m), approve an electronic data recording system for  
16           maintaining poll lists under s. 6.79, or authorize nonappointment of an individual  
17           who is nominated to serve as an election official under s. 7.30 (4) (e), or make a  
18           determination under s. 11.065 (3). subject to such limitations as the board deems  
19           appropriate.

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1 **SECTION 3.** 5.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is  
2 ~~repealed and recreated~~ to read:

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

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

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

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

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## SENATE BILL 46

## SECTION 4

1 a certified list of all eligible candidates for state office who have filed applications  
2 under s. 11.50 (2) and who the board determines are eligible to receive a grant from  
3 the Wisconsin election campaign fund prior to the election. The board shall also  
4 electronically transmit a similar list of candidates, if any, who have filed applications  
5 under s. 11.50 (2) and who the board determines are eligible to receive a grant under  
6 s. 11.50 (1) (a) 1. b. after the special election. The board shall electronically transmit  
7 a similar list of candidates who the board determines are eligible to receive a grant  
8 under s. 11.50 (9) (ba) or (bb) within 24 hours after any 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 SECTION 5. 7.08 (2) (cs) of the statutes is created to read:

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

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

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

24 SECTION 6. 8.30 (2) of the statutes, ~~as affected by 2001 Wisconsin Act 109~~, is  
25 ~~repealed and recreated~~ <sup>amended</sup> to read:



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

SECTION 7. 8.35 (4) (a) 1. a. and b. of the statutes, as affected by 2001 Wisconsin Act 109, are repealed and recreated <sup>are amended</sup> to read:

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

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

SECTION 8. 8.35 (4) (c) and (d) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed and recreated <sup>are amended</sup> to read:

JWS  
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8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be made and reported to the appropriate filing officer by the former candidate's campaign treasurer. If the former candidate is deceased and was serving as his or her own campaign treasurer, the former candidate's petitioner or personal representative shall make the transfer and file the report. The report shall be made



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## SECTION 8

1 at the appropriate interval under s. 11.20 (2) or (4) and shall include a complete  
 2 statement of all contributions, disbursements, and incurred obligations pursuant to  
 3 s. 11.06 (1) covering the period from the day after the last date covered on the former  
 4 candidate's most recent report to the date of disposition.

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

8 **SECTION 9.** 11.001 (2m) of the statutes, ~~as created by 2001 Wisconsin Act 109,~~  
 9 is ~~repealed and recreated~~ <sup>recreated</sup> to read:

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

17 **SECTION 10.** 11.01 (4m) of the statutes, ~~as created by 2001 Wisconsin Act 109,~~  
 18 is ~~repealed and recreated~~ to read:

19 11.01 **(4m)** "Communication" means a message, other than a message  
 20 exclusively between a corporation, cooperative, or voluntary association and its  
 21 members, share holders, and subscribers, that is transmitted by means of a printed  
 22 advertisement, billboard, handbill, sample ballot, radio or television advertisement,  
 23 telephone call, or mass mailing, or any medium that may be utilized for the purpose  
 24 of disseminating or broadcasting a message, but not including a poll conducted solely

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1 for the purpose of identifying or collecting data concerning the attitudes or  
2 preferences of electors.

3 SECTION 11. 11.01 (12s) of the statutes is repealed. ✓

4 SECTION 12. 11.01 (12w) of the statutes, as created by 2001 Wisconsin Act 109,  
5 is repealed.

6 SECTION 13. 11.01 (13) of the statutes, as created by 2001 Wisconsin Act 109,  
7 is repealed and recreated to read:

8 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of  
9 substantially identical material.

10 SECTION 14. 11.01 (14) of the statutes, as created by 2001 Wisconsin Act 109,  
11 is repealed.

12 SECTION 15. 11.01 (14m) of the statutes is created to read:

13 11.01 (14m) "Noncandidate election expenditure" means an expenditure made  
14 for the purpose of making a communication that is made during the period beginning  
15 on the 30th day preceding a primary election for an office to be filled at a general,  
16 special, or spring election and the date of that general, special, or spring election or,  
17 if no primary is held, during the period beginning on the 60th day preceding a  
18 general, special, or spring election at which an office is filled and the date of that  
19 election; that contains a reference to a clearly identified candidate for an office  
20 specified in s. 11.31 (1) (a) to (de), (e), or (f) to be filled at that election; that is made  
21 without cooperation or consultation with such a candidate, or any authorized  
22 committee or agent of such a candidate; and that is not made in concert with, or at  
23 the request or suggestion of, such a candidate, or any authorized committee or agent  
24 of such a candidate.

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SECTION 16

1 SECTION 16. 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act

2 ~~109~~ is repealed. *created to read:*

3 SECTION 17. 11.01 (16) (c) of the statutes is created to read:

4 11.01 (16) (c) Except with respect to an act of a candidate or personal campaign,  
5 support, or political party committee, an act for "political purposes" does not include  
6 the making of an expenditure, including a noncandidate election expenditure under  
7 s. 11.065, for a communication which does not expressly advocate the election, defeat,  
8 recall, or retention of a clearly identified candidate or a particular result at a  
9 referendum.

10 SECTION 18. 11.01 (17g) and (17r) of the statutes, as created by 2001 Wisconsin  
11 Act 109, are repealed.

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

14 11.05 (1) COMMITTEES AND GROUPS. (a) Except as provided in s. 9.10 (2) (d), every  
15 committee, other than a personal campaign committee, that makes or accepts  
16 contributions, incurs obligations, or makes disbursements in a calendar year in an  
17 aggregate amount in excess of \$25 shall file a statement with the appropriate filing  
18 officer giving the information required by sub. (3). In the case of any committee other  
19 than a personal campaign committee, the statement shall be filed by the treasurer.

20 A personal campaign committee shall register under sub. (2g).

21 *SECTION # CR, 11.05 (1)(b)*  
11.05 (1) (b) Every political group subject to registration under s. 11.23 *which* makes or  
22 accepts contributions, incurs obligations, or makes disbursements in a calendar year  
23 in an aggregate amount in excess of \$100 shall file a statement with the appropriate  
24 filing officer giving the information required by sub. (3).

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1 SECTION 20. 11.05 (2) of the statutes, <sup>is renumbered 11.05(2)(a) and</sup> as affected by 2001 Wisconsin Act 109,  
2 is repealed and recreated <sup>amended</sup> to read:

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

11 11.05(2) SECTION # CRE; 11.05(2)(b)  
12 (b) Every individual who accepts contributions, incurs obligations, or makes  
13 disbursements with respect to one or more referenda in a calendar year in an  
14 aggregate amount in excess of \$100 shall file a statement with the appropriate filing  
15 officer giving the information required by sub. (3).

16 SECTION 21. 11.05 (2r) of the statutes, as affected by 2001 Wisconsin Act 109,  
17 is repealed. <sup>renumbered 11.06(2m)(a) and amended to read:</sup>

18 SECTION 22. 11.05 (3) (c) of the statutes, <sup>amended</sup> as affected by 2001 Wisconsin Act 109,  
19 is repealed and recreated to read:

20 11.05 (3) (c) In the case of a committee, a statement as to whether the  
21 committee is a personal campaign committee, a political party committee, a support  
22 committee, or a special interest committee.

23 SECTION 23. 11.05 (3) (m) of the statutes, <sup>recreated</sup> as created by 2001 Wisconsin Act 109,  
is repealed and recreated to read:

*INS 23-2*

*INS 23*

*INS 23-16*

*INS 23-18*

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SECTION 23

1 11.05 (3) (m) In the case of a personal campaign committee, the name of the  
2 candidate on whose behalf the committee was formed or intends to operate and the  
3 office or offices that the candidate seeks.

4 SECTION 24. 11.05 (3) (o) of the statutes is repealed. X

5 SECTION 25. 11.05 (3) (r) of the statutes, <sup>^</sup>as created by 2001 Wisconsin Act 109,  
6 is repealed and ~~recreated~~ <sup>recreated</sup> to read:

7 11.05 (3) (r) In the case of a candidate or personal campaign committee of a  
8 candidate, the telephone number or numbers and a facsimile transmission number  
9 or electronic mail address, if any, at which the candidate may be contacted.

10 SECTION 26. 11.05 (5) of the statutes, as affected by 2001 Wisconsin Act 109,  
11 is repealed and ~~recreated~~ <sup>amended</sup> to read:

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

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1 subsection indicating that all information contained in the statement is true, correct  
2 and complete.

3 SECTION 27. 11.05 (5r) of the statutes is created to read:

4 11.05 (5r) CONTRIBUTION PRIOR TO REGISTRATION PROHIBITED. (a) Except as  
5 provided in sub. (13), no person, committee, or group subject to a registration  
6 requirement may make any contribution prior to the date of registration under this  
7 section.

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

11 SECTION 28. 11.05 (9) (title) of the statutes, as affected by 2001 Wisconsin Act  
12 109, is repealed and recreated to read:

13 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS

14 SECTION 29. 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109,  
15 is repealed and recreated to read:

16 11.05 (9) (b) An individual who or a committee or group which receives a  
17 contribution of money and transfers the contribution to another individual,  
18 committee, or group while acting as a conduit is not subject to registration under this  
19 section unless the individual, committee, or group transfers the contribution to a  
20 candidate or a personal campaign, political party, or support committee.

21 SECTION 30. 11.05 (12) (title) of the statutes is amended to read:

22 11.05 (12) (title) TIME OF REGISTRATION; ACCEPTANCE OF UNLAWFUL CONTRIBUTIONS.

23 SECTION 31. 11.05 (12) (b) of the statutes, as affected by 2001 Wisconsin Act  
24 109, is repealed and recreated to read:

*fix component*

*fix 25-11*

*fix 25-16*

*^*

*that is*

*received*

*repealed and recreated*

*repealed*

*amended*

*amended*

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**SECTION 31**

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

**SECTION 32.** 11.05 (13) of the statutes, ~~as affected by 2001 Wisconsin Act 109,~~ is ~~repealed~~ and recreated to read:

10  
11

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

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**SECTION 33.** 11.06 (1) (intro.) of the statutes, ~~as affected by 2001 Wisconsin Act 109,~~ is ~~repealed~~ and recreated to read:

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

*JWS  
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1 the period since the last date covered on the previous report, unless otherwise  
2 provided:

3 ~~SECTION 34. 11.06 (1) (cm) and (dm) of the statutes, as created by 2001~~  
4 ~~Wisconsin Act 109, are repealed.~~

5 ~~SECTION 35. 11.06 (1) (e) of the statutes, as affected by 2001 Wisconsin Act 109,~~  
6 ~~is repealed and recreated~~ *amended* to read:

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

11 ~~SECTION 36. 11.06 (2) of the statutes, as affected by 2001 Wisconsin Act 109,~~  
12 ~~is repealed and recreated~~ *amended* to read:

13 ~~11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding~~  
14 ~~sub. (1), if a disbursement is made or obligation incurred by an individual other than~~  
15 ~~a candidate or by a committee or group which is not primarily organized for political~~  
16 ~~purposes, the disbursement does not constitute a contribution to any candidate or~~  
17 ~~other individual, committee, or group, and the disbursement is not a noncandidate~~  
18 ~~election expenditure that is reportable under s. 11.065, the disbursement or~~  
19 ~~obligation is required to be reported only if the purpose is to expressly advocate the~~  
20 ~~election or defeat of a clearly identified candidate or the adoption or rejection of a~~  
21 ~~referendum. The exemption provided by this subsection shall in no case be construed~~  
22 ~~to apply to a political party, personal campaign, or support committee.~~

23 ~~SECTION 37. 11.06 (2m) (title) and (a) of the statutes, as affected by 2001~~  
24 ~~Wisconsin Act 109, are repealed and recreated~~ *are created* to read:

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*27-13*



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**SECTION 37**

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

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*Handwritten:* SECTION # CR; 11.06 (2m) (+title)

22 **SECTION 38.** 11.06 (2m) (b) to (d) of the statutes, as created by 2001 Wisconsin

23 Act 109, are repealed and recreated to read:

*Handwritten:* SECTION # CR; 11.06 (2m) (b) to (d)

24 11.06 (2m) (b) Any individual or committee who or which is required to file an  
 25 oath under sub. (7) and who or which accepts contributions, makes disbursements,

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

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

and does not anticipate accepting any contribution or contributions from a single source exceeding \$100 in any calendar year.

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

*or the date on which the registrant accepts any contribution or contributions exceeding \$100 from a single source during any calendar year.*

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

13 SECTION 39. 11.06 (3) (b) (intro.) of the statutes, as affected by 2001 Wisconsin  
 14 Act 109, is ~~repealed and recreated~~ *amended* to read:

15 *FW 3-2-14*  
 16 11.06 (3) (b) (intro.) A nonresident registrant that makes a report under sub.  
 17 (1) shall ensure that the report separately states information under sub. (1)  
 18 concerning all of the following, in a manner prescribed by the board:

18 SECTION 40. 11.06 (3r) of the statutes is repealed. ✓

19 SECTION 41. 11.06 (3w) of the statutes is repealed. ✓

20 SECTION 42. 11.06 (4) (b) of the statutes, as affected by 2001 Wisconsin Act 109,  
 21 is ~~repealed and recreated~~ *amended* to read:

22 *FW 3-2-14*  
 23 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a  
 24 contribution must be reported as received and accepted on the date received. This  
 paragraph applies notwithstanding the fact that the contribution is not deposited in

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1 a campaign depository account by the closing date for a reporting period as provided  
2 in s. 11.20 (8) or the reporting deadline provided in s. 11.12 (6) (c) or (8).

3 SECTION 43. 11.06 (5) of the statutes, ~~as affected by 2001 Wisconsin Act 109,~~  
4 is ~~repealed and recreated~~ <sup>amended</sup> to read:

5 ~~11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a~~  
6 ~~group or committee shall make a good faith effort to obtain all required information.~~  
7 ~~The first report shall commence no later than the date that the first contribution is~~  
8 ~~received and accepted or the first disbursement is made. Each report shall be filed~~  
9 ~~with the appropriate filing officer on the dates designated in s. 11.20 and, if the~~  
10 ~~registrant files reports under s. 11.12 (6) (c) or (8), at the times specified in s. 11.12~~  
11 ~~(6) (c) or (8). The individual or the treasurer of the group or committee shall certify~~  
12 ~~to the correctness of each report. In the case of a candidate, the candidate or~~  
13 ~~treasurer shall certify to the correctness of each report. If a treasurer is unavailable,~~  
14 ~~any person designated as a custodian under s. 11.05 (3) (e) may certify to the~~  
15 ~~correctness of a report.~~

16 SECTION 44. 11.06 (7m) (a) of the statutes, ~~as affected by 2001 Wisconsin Act~~  
17 ~~109,~~ <sup>amended</sup> is ~~repealed and recreated~~ to read:

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

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**SECTION 44**

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

8 **SECTION 45.** 11.06 (7m) (b) of the statutes, ~~as affected by 2001 Wisconsin Act~~  
 9 ~~109~~, is repealed and recreated <sup>amended</sup> to read:

10 *Amended 32-10* → 11.06 (7m) (b) If the committee has already made contributions in excess of the  
 11 amounts specified in s. 11.26 (2) at the time that it files an oath under sub. (7), each  
 12 candidate to whom contributions are made shall promptly return a sufficient amount  
 13 of contributions to bring the committee into compliance with this subsection and the  
 14 committee may not make any additional contributions in violation of this subsection.

15 **SECTION 46.** 11.06 (7m) (c) of the statutes, ~~as affected by 2001 Wisconsin Act~~  
 16 ~~109~~, is repealed and recreated <sup>amended</sup> to read:

17 *Amended 32-16* → 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change  
 18 its status to a political party committee may do so as of December 31 of any  
 19 even-numbered year. Section 11.26 does not apply to contributions received by such  
 20 a committee prior to the date of the change. Such a committee may change its status  
 21 at other times only by filing a termination statement under s. 11.19 (1) and  
 22 reregistering as a newly organized committee under s. 11.05.

23 **SECTION 47.** 11.06 (11) (bm) of the statutes, as created by 2001 Wisconsin Act  
 24 109, is repealed.

25 ~~**SECTION 48.** 11.065 of the statutes is created to read:~~

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1 **11.065 Noncandidate election expenditures. (1) (a)** If any person makes  
2 one or more communications to be financed with any noncandidate election  
3 expenditure or expenditures, other than disbursements, exceeding \$500 in the  
4 aggregate with respect to an election, that person shall file a report with the board  
5 on a form prescribed by the board for this purpose. The report shall be made  
6 whenever the person makes one or more communications financed or to be financed  
7 with any noncandidate election expenditures exceeding \$500 in the aggregate that  
8 are not identified in a previous report under this subsection. A person who is subject  
9 to a reporting requirement under this subsection shall file the report required under  
10 this subsection within 24 hours after the date on which each communication financed  
11 with any noncandidate election expenditure not identified in a previous report is  
12 made.

13 (b) If a person makes a single noncandidate election expenditure for the  
14 purpose of financing communications that are to be made on more than one day, the  
15 person may report the entire expenditure under par. (a) for the day on which the  
16 person makes the first communication financed by the expenditure, or the person  
17 may report for each day on which the person makes one or more communications  
18 financed by the expenditure the proportionate amount of the expenditure  
19 attributable to the cost of the communication or communications made on that day.

20 (2) Each report filed under sub. (1) shall contain the following information:

21 (a) The name, address, and telephone number of the person who makes any  
22 noncandidate election expenditure.

23 (b) The name of each candidate who is identified in each communication  
24 financed by a noncandidate election expenditure.

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**SECTION 48**

1 (c) A statement as to whether the communication is intended to support or  
2 oppose any candidate who is identified under par. (b) and if so, the name of that  
3 candidate.

4 (d) The total amount or value of the noncandidate election expenditure and the  
5 cumulative total noncandidate election expenditures made by the person with  
6 respect to that election.

7 (3) If a person who makes a noncandidate election expenditure does not  
8 indicate whether the expenditure is made against a candidate or for an eligible  
9 candidate's opponent or if the report under sub. (2) reasonably appears to be  
10 incorrect, the board may obtain a copy of the communication and, after examination,  
11 determine whether the communication was intended to support or oppose a  
12 candidate for purposes of ss. 11.31 (3r) and 11.50 (9) (bb). Any determination made  
13 by the board under this subsection applies solely for the purpose of administration  
14 of ss. 11.31 (3r) and 11.50 (9) (bb).

15 **SECTION 49.** 11.07 (1) of the statutes, as affected by 2001 Wisconsin Act 109,  
16 is repealed and recreated to read:

17 **11.07 (1)** Every nonresident committee or group making contributions and  
18 every nonresident individual, committee, or group making disbursements exceeding  
19 the amount specified in s. 11.05 (1) or (2) in a calendar year within this state shall  
20 file the name, mailing and street address and the name and the mailing and street  
21 address of a designated agent within the state with the office of the secretary of state.  
22 An agent may be any adult individual who is a resident of this state. After any  
23 change in the name or address of such agent the new address or name of the successor  
24 agent shall be filed within 30 days. Service of process in any proceeding under this

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*amended*

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1 chapter or ch. 12, or service of any other notice or demand may be made upon such  
2 agent.

3 SECTION 50. 11.07 (5) of the statutes, as affected by 2001 Wisconsin Act 109,  
4 is ~~repealed and recreated~~ <sup>amended</sup> to read:

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

11 SECTION 51. 11.09 (3) of the statutes, as affected by 2001 Wisconsin Act 109,  
12 is ~~repealed and recreated~~ <sup>amended</sup> to read:

13 11.09 (3) Each registrant whose filing officer is the board, who or which makes  
14 disbursements in connection with elections for offices which serve or referenda  
15 which affect only one county or portion thereof, except a candidate, personal  
16 campaign committee, political party committee, or other committee making  
17 disbursements in support of or in opposition to a candidate for state senator,  
18 representative to the assembly, court of appeals judge, or circuit judge, shall file a  
19 duplicate original of each financial report filed with the board with the county clerk  
20 or board of election commissioners of the county in which the elections in which the  
21 registrant participates are held. Such reports shall be filed no later than the dates  
22 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This  
23 subsection does not apply to a registrant who or which files a report under s. 11.21  
24 (16).

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