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SENATE BILL 46

1 SECTION 128. 11.50 (1) (a) 2m. of the statutes, ~~as created by 2001 Wisconsin Act~~
2 ~~109, is repealed and recreated~~ ^{created} to read:

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

9 SECTION 129. 11.50 (1) (am) [^] of the statutes, ~~as created by 2001 Wisconsin Act~~
10 ~~109, is repealed and recreated~~ ^{created} to read:

11 11.50 (1) (am) "Eligible political party" means any of the following:

12 1. A party qualifying under s. 5.62 (2) for a separate ballot or one or more
13 separate columns or rows on a ballot for the period beginning on the preceding June
14 1, or, if that June 1 is in an odd-numbered year, the period beginning on June 1 of
15 the preceding even-numbered year, and ending on May 31 of the 2nd year following
16 the beginning of that period.

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

21 SECTION 130. 11.50 (1) (bm) and (cm) of the statutes, ~~as created by 2001~~
22 ~~Wisconsin Act 109, are repealed and recreated~~ ^{created} to read:

23 11.50 (1) (bm) "General account" means the account in the fund created under
24 sub. (2w).

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

3 SECTION 131. 11.50 (1) (e) of the statutes is created to read:

4 11.50 (1) (e) "Qualifying period" means the period ^{beginning on July 1 preceding the date} ending on the date of the ^{of the}
5 spring primary ^{and July 1 preceding that date in the case of candidates at the spring} and ^{Spring}
6 election; the date of the September primary ^{and January 1 preceding that date in the} ^{primary}
7 case of candidates at the general election; or the date ^{period beginning on January 1 preceding the date of the September} on which a special primary will ^{and}
8 ~~or would be held, if required, and 90 days preceding that date or the date on which~~ ^{primary} ~~of~~ ^{and}
9 a special election is ordered, ~~whichever is earlier, in the case of candidates at a special~~ ^{ending}
10 election. ^{on the}

11 SECTION 132. 11.50 (2) (a) of the statutes, ~~as affected by 2001 Wisconsin Act~~
12 ~~109, is repealed and recreated to read:~~ ^{amended}

13 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
14 file an application with the board requesting approval to participate in the fund. The
15 application shall be filed no later than the applicable deadline for filing nomination
16 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.
17 on the 7th day after the primary or date on which the primary would be held if
18 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
19 after appointment in the case of candidates appointed to fill vacancies. The
20 application shall contain a sworn statement that the candidate and his or her
21 authorized agents have complied with the contribution limitations prescribed in s.
22 11.26 and the disbursement limitations imposed under s. 11.31 (2), as adjusted under
23 s. 11.31 (9), at all times to which such limitations have applied to his or her candidacy
24 and will continue to comply with the limitations at all times to which the limitations
25 apply to his or her candidacy for the office in contest, unless the board determines

beginning on July 1 preceding the date of the Spring primary and September primary and ending on the special primary will or would be held, if required, or the date on which a special election is ordered, whichever is earlier, and ending on the

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1 that the candidate is not eligible to receive a grant, the candidate withdraws his or
2 her application under par. (h), or s. 11.31 (3r) applies.

3 ~~SECTION 133. 11.50 (2) (b) 3. of the statutes, as affected by 2001 Wisconsin Act
4 109, is repealed and recreated to read:~~

5 11.50 (2) (b) 3. The candidate has an opponent who is certified for placement
6 on the election ballot as a candidate for the same office;

7 ~~SECTION 134. 11.50 (2) (b) 4. of the statutes, as affected by 2001 Wisconsin Act
8 109, is repealed and recreated to read:~~

9 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as
10 of the date of the spring or September primary, or the date that the special primary
11 is or would be held, if required, indicate that his or her statement filed with the
12 application under par. (a) is true; and

13 ~~SECTION 135. 11.50 (2) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
14 109, is repealed and recreated to read:~~

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15 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
16 of the date of the spring or September primary, or the date that the special primary
17 is or would be held, if required, indicate that the candidate has received an amount
18 equal to at least 5 percent of the applicable authorized disbursement limitation, as
19 determined under s. 11.31 (1) and adjusted under s. 11.31 (9), from contributions of
20 money, other than loans, made by individuals who reside in this state and, in the case
21 of a candidate for legislative office, except as provided in par. (bm), at least 50 percent
22 of the amount of which are made by individuals who reside within the legislative
23 district in which the candidate seeks office, which contributions have been received
24 during the qualifying period, which contributions are in the aggregate amount of
25 \$100 or less, except as provided in par. (bm), and which contributions are fully

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1 identified and itemized as to the exact source thereof. A contribution received from
2 a conduit which is identified by the conduit as originating from an individual shall
3 be considered a contribution made by the individual. Except as provided in par. (bm),
4 only the first \$100 of an aggregate contribution of more than \$100 may be counted
5 toward the required percentage.

6 ~~SECTION 136.~~ 11.50 (2) (b) 6. of the statutes, as created by 2001 Wisconsin Act
7 109, is repealed.

8 SECTION 137. 11.50 (2) (bm) of the statutes is created to read:

9 11.50 (2) (bm) A candidate for legislative office may substitute contributions
10 received by the candidate from political party committees for not more than 50
11 percent of the contributions that are required under par. (b) 5. to be received from
12 individuals who reside within the legislative district in which the candidate seeks
13 office.

14 ~~SECTION 138.~~ 11.50 (2) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

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

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

5 **SECTION 139.** 11.50 (2) (f) of the statutes, ~~as affected by 2001 Wisconsin Act 109,~~
6 is repealed and recreated ^{amended} to read:

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

14 **SECTION 140.** 11.50 (2) (g) of the statutes, ~~as affected by 2001 Wisconsin Act~~
15 ~~109,~~ is repealed and recreated ^{amended} to read:

16 **11.50 (2) (g)** A candidate who voluntarily files an application to receive a grant
17 in accordance with this subsection accepts and agrees to comply with the
18 contribution limitations prescribed in s. 11.26 and the disbursement limitations
19 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
20 or herself and his or her agents during the campaign of that candidate as defined in
21 s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board
22 determines that the candidate is not eligible to receive a grant, the candidate
23 withdraws the application under par. (h), or s. 11.31 (3r) applies.

24 **SECTION 141.** 11.50 (2) (h) of the statutes, ~~as affected by 2001 Wisconsin Act~~
25 ~~109,~~ is repealed and recreated ^{amended} to read:

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

8 SECTION 142. 11.50 (2) (i) of the statutes, ~~as affected by 2001 Wisconsin Act 109,~~
 9 is repealed. X

10 SECTION 143. 11.50 (2) (j) of the statutes, as created by 2001 Wisconsin Act 109,
 11 is repealed.

12 SECTION 144. 11.50 (2s) of the statutes, ~~as created by 2001 Wisconsin Act 109,~~
 13 is repealed and recreated ^{created} to read:

14 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party
 15 account for each eligible political party. Each political party account consists of all
 16 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).
 17 *whose State chairperson files a written request with the board to establish an account for the party under this subsection*

18 (b) From the account of each eligible political party, the board shall apportion
 19 moneys to eligible candidates representing that party who qualify to receive grants.

20 *at any election* If there are insufficient moneys in the account of any eligible political party to make

21 full payment of all grants for which candidates of that political party qualify, the
 22 board shall apportion ^{the} available moneys ^{in the account} to candidates of the ^{political party in the} party at each election
 23 *that the available moneys bears to the total amount required to make full payment of all grants payable to candidates of that political party. If any candidate of a political party qualifies to receive a grant under a supplemental grant payment (ba) or (bb), the board shall first make payment from the account of that political party using the method of apportionment provided in this paragraph if necessary.*

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

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

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

6 **SECTION 146.** 11.50 (3) of the statutes, *is repealed.* as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.50 (3) NONPARTISAN CANDIDATES. (a) Annually on August 15, all moneys in
9 the general account shall be apportioned as follows by the state treasurer:

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

14 2. If an election for justice is scheduled in the following year, 8 percent of the
15 general account shall be placed in a supreme court account. From this account, an
16 equal amount shall be disbursed to the campaign depository account of each eligible
17 candidate by the state treasurer.

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

19 (b) If a vacancy occurs in the office of state superintendent or justice after
20 August 15 in any year and an election is scheduled to fill the vacancy at the spring
21 election in the following year, the state treasurer shall transfer an amount not
22 exceeding 8 percent of the moneys designated by individuals for deposit in the
23 general account under s. 71.10 (3) (a) during that year to the account for the office
24 in which the vacancy occurs, such moneys to be drawn from any account within the

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1 ~~accounts in the general account created under sub. (4) in the amount or amounts~~
2 ~~specified by the board.~~

3 **SECTION 147.** 11.50 (4) of the statutes, ~~as affected by 2003 Wisconsin Act 109,~~
4 is ~~repealed and recreated to read:~~ *repealed.* X

5 ~~11.50 (4) PARTISAN AND SPECIAL ELECTION CANDIDATES. After apportionment~~
6 ~~under sub. (3), the remaining moneys in the general account shall constitute the~~
7 ~~partisan campaign account.~~

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

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

14 1. Sixty-seven percent to be apportioned between all eligible candidates for
15 governor.

16 2. Eight percent to be apportioned between all eligible candidates for
17 lieutenant governor.

18 3. Seventeen percent to be apportioned between all eligible candidates for
19 attorney general.

20 4. Four percent to be apportioned between all eligible candidates for state
21 treasurer.

22 5. Four percent to be apportioned between all eligible candidates for secretary
23 of state.

24 (c) The legislative and special election campaign account shall be divided into
25 ~~a senate campaign account to receive 25 percent of the moneys, and an assembly~~

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1 campaign account to receive 75 percent of the moneys. Each account shall then be
2 apportioned between all eligible candidates for the same office in the entire state.
3 No apportionment shall be made by legislative district.

4 (cm) Unless otherwise required under subs. (4e), (9), and (10), each eligible
5 candidate for the same office at a special election shall receive a grant in an equal
6 amount from the general account, which amount shall be equivalent to the maximum
7 grant which was payable to any candidate for that office at the most recent spring
8 or general election. The amount shall be drawn from the senate campaign account
9 and the assembly campaign account in the same proportions as the balance in each
10 account bears to the total balance in both accounts at the time that payments are
11 made. Whenever there are insufficient moneys in the senate campaign account and
12 the assembly campaign account to make the payments required by this paragraph,
13 payments shall be appropriately reduced or discontinued by the board.

14 (d) Except as otherwise provided in sub. (4e), within the accounts established
15 under this subsection for each office at each general election, the entire amount of
16 all available moneys shall be apportioned equally to all eligible candidates.

17 **SECTION 148.** 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 sufficient moneys in the political party account of a candidate's political party to
23 make full payment of a grant under sub. (9) (a) but there are insufficient moneys in
24 that account to make full payment of any grant for which the candidate qualifies
25 under sub. (9) (ba) or (bb), the board shall first make payment of grants under sub.

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1 (9) (ba) and (bb) to all candidates of the candidate's political party at the election from
 2 available moneys in the political party account in the manner provided in sub. (2s)
 3 (b) and shall then make payments to those candidates from available moneys in the
 4 general account in the manner provided in sub. (9) (c). If there are insufficient
 5 moneys in the general account to make full payment of a grant, the board shall
 6 proportionately reduce the grant as provided in sub. (9) (c).

7 **SECTION 149.** 11.50 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
 8 is repealed and recreated to read:

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

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

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

22 **SECTION 150.** 11.50 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
 23 is repealed and recreated to read:

24 **11.50 (6) EXCESS MONEYS.** If the amounts which are to be apportioned to each
 25 eligible candidate under subs. (3) and (4) are more than the amount which a

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SECTION # Am; 11.50 (5) (title) renumbered 11.50 (5) (a) and amended

SECTION # 11.50 (5) (b) and (c)

amended

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1 candidate may accept under sub. (9), or more than the amount which a candidate
2 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

3 **SECTION 151.** 11.50 (7) (intro.) of the statutes, as affected by 2001 Wisconsin
4 Act 109, is repealed and recreated to read:

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

8 **SECTION 152.** 11.50 (8) of the statutes, as affected by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

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

18 **SECTION 153.** 11.50 (9) of the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.50 (9) (a) AMOUNT OF GRANTS. Except as provided in this paragraph and pars.
21 (ba), (bb), and (c) and sub. (10), the total grant available to an eligible candidate may
22 not exceed that amount which, when added to all other contributions accepted by the
23 candidate from sources other than individuals and political party committees, is
24 equal to 35 percent of the disbursement level specified for the office that the
25 candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s.

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Section # 11.50 (9) intro

renumbered 11.50 (9)(a) and amended

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1 11.31 (9). The board shall scrutinize accounts and reports and records kept under
 2 this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are
 3 not exceeded and any violation is reported. No candidate or campaign treasurer may
 4 accept grants exceeding the amount authorized by this subsection.

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SECTION # CIR: 11.50 (9)(6a) and (6b)

5 ~~(ba) Except as provided in par. (c) and sub. (10), if an eligible candidate at a~~
 6 primary or election, or both, who accepts a grant is opposed by one or more candidates
 7 who are required, or whose personal campaign committees are required, to file a
 8 report under s. 11.12 (8), then the board shall make an additional grant to the eligible
 9 candidate who accepts a grant from the account for the applicable office in an amount
 10 equal to the total amount or value of disbursements, as reported under s. 11.12 (8),
 11 made by the opposing candidate or candidates exceeding the amount specified under
 12 s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate seeks, as adjusted
 13 under s. 11.31 (9), but not more than, together with any additional grant provided
 14 under par. (bb), an amount equal to 3 times the amount specified in s. 11.31 (1) (a)
 15 to (de), (e), or (f) for the office that the eligible candidate seeks, as adjusted under s.
 16 11.31 (9).

17 (bb) Except as provided in par. (d) and sub. (10), if the sum of the aggregate
 18 disbursements and noncandidate election expenditures made against an eligible
 19 candidate and the aggregated disbursements and noncandidate election
 20 expenditures made for an opponent of that candidate, as reported under ss. 11.065
 21 and 11.12 (6) (c), exceeds 10 percent of the amount specified under s. 11.31 (1) (a) to
 22 (de), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9),
 23 then the board shall make an additional grant to the eligible candidate who accepts
 24 a grant from the account for the applicable office in an amount equivalent to the
 25 amount of those disbursements and expenditures, as reported under ss. 11.065 and

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1 ~~11.12 (6) (c), but not more than, together with any additional grant provided under~~
2 ~~par. (ba), an amount equal to 3 times the amount specified in s. 11.31 (1) (a) to (de),~~
3 ~~(e), or (f) for the office that the eligible candidate seeks, as adjusted under s. 11.31~~
4 ~~(9). The board shall immediately file a written copy of its determination with each~~
5 ~~of the candidates for the office that the candidate seeks.~~

6 ~~(c) If on any business day the balance within an account in the fund is~~
7 ~~insufficient to make full payment of grants to all eligible candidates who qualify to~~
8 ~~receive a grant from that account, the board shall first make full payment of grants~~
9 ~~to all eligible candidates under par. (a) before making any payments of grants under~~
10 ~~par. (ba) or (bb), and, if full payments of grants cannot be made to all eligible~~
11 ~~candidates who qualify to receive a grant on that business day, the board shall~~
12 ~~proportionately reduce the grants payable to all eligible candidates whose grants are~~
13 ~~payable from that account for that business day and shall credit any eligible~~
14 ~~candidate who does not receive full payment with any balance that remains payable~~
15 ~~to that candidate for that business day. If on any subsequent business day prior to~~
16 ~~the date of an election at which one or more eligible candidates qualify to receive~~
17 ~~grants the balance available in the account from which a grant is payable becomes~~
18 ~~sufficient to make additional grant payments, the board shall make those payments~~
19 ~~to candidates in the same chronological sequence that the candidates were credited,~~
20 ~~and, if the balance within an account is insufficient to make full payment of grants~~
21 ~~to all candidates who have credits of equal priority that would entitle them to receive~~
22 ~~payments for that business day, the board shall proportionately reduce the grants~~
23 ~~payments to candidates for that business day.~~

24 ~~SECTION 154. 11.50 (10) of the statutes is created to read:~~

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1 ~~11.50 (10) VOLUNTARY LIMITATION. Any eligible candidate may, by written~~
2 ~~request, limit his or her participation in the fund to a lesser amount than that~~
3 ~~authorized under sub. (9).~~

4 ~~SECTION 155. 11.50 (10m) of the statutes, as affected by 2001 Wisconsin Act~~
5 ~~109, is repealed and recreated~~ ^{amended} ~~to read:~~

6 11.50 (10m) RETURN OF GRANTS. An individual who receives a grant prior to an
7 election in which he or she is a candidate and who desires to return any portion of
8 the grant shall return that portion no later than the 2nd Tuesday in October
9 preceding a general election, the 4th Tuesday preceding a spring election, or the 3rd
10 Tuesday preceding a special election. A candidate who returns all or any portion of
11 a grant under this subsection remains bound by the candidate's statement filed
12 under sub. (2) (a).

13 ~~SECTION 156. 11.50 (11) (e) of the statutes, as affected by 2001 Wisconsin Act~~
14 ~~109, is repealed and recreated~~ ^{amended} ~~to read:~~

15 ~~11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur~~
16 ~~any obligation to expend any grant if he or she violates the pledge required under~~
17 ~~sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h).~~

18 **SECTION 157.** 11.50 (13) of the statutes is amended to read:

19 11.50 (13) DONATIONS TO FUND. Any committee or other person may make an
20 unrestricted contribution to the general account of the fund by gift, bequest or devise.

21 ~~SECTION 158. 11.50 (14) of the statutes, as created by 2001 Wisconsin Act 109,~~
22 ~~is repealed and recreated~~ ^{created} ~~to read:~~

23 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each
24 even-numbered year, the board shall certify to the secretary of revenue:

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1 1. No later than July 1, the name of each political party that qualifies under
2 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
3 state chairperson has filed a ^{written} request to establish an account for the party under sub.
4 (2s) (a).

5 2. No later than December 15, the name of each political party that qualifies
6 under sub. (1) (am) 2. as an eligible political party as of the date of the preceding
7 general election ^{and whose state chairperson has filed a request to establish}
8 ^{an account for the party under sub. (2s) (a)} (b) In each certification under this subsection, the board shall specify the
9 expiration date of the certification. ✓

10 ~~SECTION 159. 11.60 (3r) of the statutes, as created by 2001 Wisconsin Act 109,~~
11 ~~is repealed.~~

12 SECTION 160. 11.60 (3s) ~~(3t)~~ and (3u) of the statutes are created to read:

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

20 ~~(3t) Notwithstanding sub. (1), if any person makes a noncandidate election~~
21 ~~expenditure for the purpose of making a communication without reporting the~~
22 ~~information required under s. 11.065, to the extent required under s. 11.065, the~~
23 ~~person may be required to forfeit not more than \$500 for each day of continued~~
24 ~~violation.~~

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SECTION 160

1 **(3u)** Notwithstanding sub. (1), if any person, including any candidate or
 2 committee to whom s. 11.065 or 11.12 (6) (c) or (8) applies, makes ^{any disbursement} ~~one or more~~
 3 ~~disbursements or noncandidate election expenditures~~ for the purpose of supporting
 4 or opposing a candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) in
 5 an amount or value that differs from the amount reported by that person under s.
 6 ~~11.065, 11.12 (6) (c) or (8), or 11.20 (3) or (4):~~ ^{3 or 11.21 (16)}

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

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

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

13 **SECTION 161.** 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
 14 is repealed and recreated ^{amended} to read:

15 11.60 (4) Actions under this section arising out of an election for state office or
 16 a statewide referendum may be brought by the board or by the district attorney of
 17 the county where the violation is alleged to have occurred, except as specified in s.
 18 11.38. Actions under this section arising out of an election for local office or local
 19 referendum may be brought by the district attorney of the county where the violation
 20 is alleged to have occurred. Actions under this section arising out of an election for
 21 county office or a county referendum may be brought by the county board of election
 22 commissioners of the county wherein the violation is alleged to have occurred. In
 23 addition, whenever a candidate or personal campaign committee or agent of a
 24 candidate is alleged to have violated this chapter, action may be brought by the
 25 district attorney of any county any part of which is contained within the jurisdiction

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1 or district in which the candidate seeks election. If a violation concerns a district
 2 attorney or circuit judge or candidate for such offices, the action shall be brought by
 3 the attorney general. If a violation concerns the attorney general or a candidate for
 4 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit
 5 in behalf of the state. The counsel shall be independent of the attorney general and
 6 need not be a state employe at the time of appointment.

7 SECTION 162. 11.61 (1) (a) of the statutes, ~~as affected by 2001 Wisconsin Act~~
 8 109, is repealed and recreated ^{amended} to read:

9 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g), 11.07 (1)
 10 or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 is guilty of a Class I felony.

11 SECTION 163. 25.42 of the statutes, ~~as affected by 2001 Wisconsin Act 109~~, is
 12 repealed and recreated ^{amended} to read:

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

20 SECTION 164. 71.07 (6n) of the statutes is created to read:

21 71.07 (6n) PUBLIC INTEGRITY ENDOWMENT TAX CREDIT. (a) *Definitions.* In this
 22 subsection:

23 1. "Claimant" means an individual who makes a contribution.

and files a claim under this subsection

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1 2. "Contribution" means a contribution, as defined in s. 11.01 (6), made to the
2 Public Integrity Endowment, the creation of which is described in 2005 Wisconsin
3 Act (this act), section 178 (1). *e created under*

4 (b) *Filing claims.* Subject to the limitations *and conditions* provided in this
5 subsection, a claimant may claim as a credit against the tax imposed under s. 71.02,
6 up to the amount of those taxes, *for* the taxable year to which the *claim relates*
7 *income tax return* relates, an amount equal to the claimant's contribution. *in*

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

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

12 SECTION 165. 71.07 (6s) of the statutes, as created by 2001 Wisconsin Act 109,
13 is repealed.

14 SECTION 166. 71.10 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed and recreated to read: *(a) and (b) are amended*

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

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1 shall be placed in the account of a particular eligible political party, that amount shall
2 be placed in the general account.

3 (b) The secretary of revenue shall provide a place for designations under par.
4 (a) on the face of the individual income tax return and shall provide next to that place
5 a statement that a designation will not increase tax liability. No later than the 15th
6 day of each month, the secretary of revenue shall certify to the elections board, the
7 department of administration, and the state treasurer the total amount of
8 designations made on returns processed by the department of revenue during the
9 preceding month and the amount of designations made during that month for the
10 general account and for the account of each eligible political party. If any individual
11 attempts to place any condition or restriction upon a designation not authorized
12 under par. (a), the designation is void.

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

15 SECTION 167. 71.10 (4) (ds) of the statutes is created to read:

16 71.10 (4) (ds) The Public Integrity Endowment tax credit under s. 71.07 (6n). ✓

17 SECTION 168. 71.10 (4) (gw) of the statutes, as created by 2001 Wisconsin Act
18 109, is repealed.

19 SECTION 169. 806.04 (11m) of the statutes, as created by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 (B) → 806.041 (B) no CS
22 806.04 (11m) (CAMPAIGN FINANCE REGISTRATION) Any person who proposes to
23 publish, disseminate, or broadcast, or causes to be published, disseminated, or
24 broadcast, any communication may commence a proceeding under this section to
25 determine the application to that person of a registration requirement under s. 11.05
(1), (2), or (2g). ✓

SENATE BILL 46**SECTION 170**

1 ~~SECTION 170.~~ 2001 Wisconsin Act 109, section 9115 (2v), (2w) and (2x) are
2 repealed.

3 **SECTION 171.** 2001 Wisconsin Act 109, section 9115 (2y), as last affected by 2003
4 Wisconsin Act 39, is repealed.

5 **SECTION 172.** 2001 Wisconsin Act 109, section 9132 (4v) is repealed.

6 **SECTION 173.** 2001 Wisconsin Act 109, section 9215 (3v) is repealed.

7 **SECTION 174.** 2001 Wisconsin Act 109, section 9244 (6v) is repealed.

8 **SECTION 175.** 2001 Wisconsin Act 109, section 9315 (2v) and (2w) are repealed.

9 **SECTION 176.** 2001 Wisconsin Act 109, section 9344 (2v) is repealed.

10 **SECTION 177.** 2001 Wisconsin Act 109, section 9415 (1zx), as last affected by
11 2003 Wisconsin Act 39, is repealed.

12 **SECTION 178. Nonstatutory provisions.**

13 (1) PUBLIC INTEGRITY ENDOWMENT. The executive director of the elections board
14 shall prepare and file articles of incorporation for the incorporation under chapter
15 181 of the statutes of an organization to be known as the "Public Integrity
16 Endowment." The executive director shall ensure that the organization is structured
17 so that it will qualify as a nonprofit organization, as defined in section 108.02 (19) ✓
18 of the statutes. The executive director shall specify in the articles of incorporation
19 that the sole purpose of the foundation shall be to solicit contributions for the purpose
20 of supplementing the assets of the Wisconsin election campaign fund and, after
21 December 31, ^{before January 1, 2009,} ~~2006,~~ ²⁰⁰⁸ supplementing the assets of
22 contributions, after deduction of solicitation costs, to that fund or account. ✓

23 (2) WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER. The balance in the
24 Wisconsin election campaign fund on the effective date of this subsection is credited

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created

1 to the general account of the Wisconsin election campaign fund established under
2 section 11.50 (2w) of the statutes, as affected by this act.

3 (3) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if
4 a court finds that all or any portion of section ~~11.01 (4m), (13), and (14m), 11.065~~
5 11.12 (6) (c) or (8), 11.26 (8m), or 11.50 (9) (ba) or (bb) of the statutes, as affected by
6 this act, is unconstitutional, then sections ~~11.01 (4m), (13), and (14m) 11.065~~ 11.12
7 (6) (c) and (8), 11.26 (8m), and 11.50 (9) (ba) and (bb) of the statutes, as affected by
8 this act, are void in their entirety.

9 (4) ~~NONSEVERABILITY OF 2001 WISCONSIN ACT 109 PROVISIONS.~~ The repeal of 2001
10 Wisconsin Act 109, section 9115 (2y) by this act does not affect the validity or
11 invalidity of any provision specified in that subsection under any court decision
12 issued before the effective date of this subsection.

SECTION 179. Initial applicability.

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

16 (2) The treatment of section 11.31 (9) of the statutes first applies to adjustments
17 for the biennium beginning on January 1, ²⁰¹⁰ 2008.

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

23 **SECTION 180. Effective dates.** This act takes effect on January 1, 2006 or on
24 the day after publication, whichever is later, except as follows:

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(1) SECTION 178 (1) takes effect on the day after publication.

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(END)

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Currently, with certain limited exceptions, any individual who accepts and makes or transfers political contributions, or who incurs obligations or makes disbursements (expenditures) for political purposes, and any organization that makes or transfers contributions, or that incurs obligations or makes disbursements for political purposes, must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

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

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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.