



INS 74-6:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178.

INS 74-8:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178.

INS 74-23:

SECTION 1. 11.50 (6) of the statutes is amended to read:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178.

INS 75-17:

SECTION 2. 11.50 (9) (title) of the statutes is amended to read:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178.

INS 75-19:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178.

INS 78-14:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178.

INS 80-14:

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

History: 1973 c. 334; 1977 c. 449; 1979 c. 328; 1985 a. 303; 1997 a. 27, 230; 1999 a. 182; 2001 a. 109; 2003 a. 321; 2005 a. 177.

INS 81-8:

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

History: 1973 c. 334; 1975 c. 93 ss. 117, 119 (1); 1977 c. 449; 1979 c. 328; 1983 a. 484; 1985 a. 303; 1997 a. 283; 2001 a. 109; 2005 a. 177.

SECTION 3. 20.510 (1) (q) of the statutes is amended to read:

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20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing appropriation, from the Wisconsin election campaign fund, the moneys determined under s. 11.50 to provide for payments to eligible candidates certified under s. 7.08 (2) (c) and (cm).

History: 1973 c. 334 ss. 48, 50; 1975 c. 85; 1977 c. 29, 107; 1979 c. 260; 1983 a. 27, 484; 1985 a. 303; 1989 a. 31; 1995 a. 27; 1997 a. 27, 230; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 35, 266; 2005 a. 25, 178, 333.

INS 81-12:

SECTION 4. 25.42 of the statutes is amended to read:

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

History: 1977 c. 107; 1977 c. 418 s. 929 (55); 1979 c. 34 s. 2102 (58) (a); 1985 a. 303; 2001 a. 109; 2005 a. 177.

INS 81-15:

71.10 (3) (a) Every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate \$1 \$5 for transfer to the Wisconsin election campaign fund ~~for the use of eligible candidates under s. 11.50.~~ If the individuals filing a joint return have a tax liability or are entitled to a tax refund, each individual may make a designation of \$1 \$5 under this subsection. Each individual making a designation shall indicate whether the amount designated by the individual shall be placed in the general account for the use of all eligible

candidates for state office, or in the account of an eligible political party whose name is certified to the secretary of revenue under s. 11.50 (14). If an individual does not indicate that the amount of his or her designation shall be placed in the account of a particular eligible political party, that amount shall be placed in the general account.

(b) The secretary of revenue shall provide a place for those designations under par. (a) on the face of the individual income tax return and shall provide place next to that place a statement that a designation will not increase tax liability. ~~Annually on August 15, the secretary of revenue shall certify to the elections board, the department of administration and the state treasurer under s. 11.50 the total amount of designations made during the preceding fiscal year.~~ No later than the 15th day of each month, the secretary of revenue shall certify to the elections board, the department of administration, and the state treasurer the total amount of designations made on returns processed by the department of revenue during the preceding month and the amount of designations made during that month for the general account and for the account of each eligible political party. If any individual attempts to place any condition or restriction upon a designation not authorized under par. (a), that individual is deemed not to have made a designation on his or her tax return.

History: 1987 a. 312; 1987 a. 411 ss. 94, 97, 176 to 179; 1987 a. 422 s. 4; 1989 a. 31, 56, 359; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 209, 418, 453; 1997 a. 27, 63, 237, 248; 1999 a. 9, 167; 2001 a. 16, 109; 2003 a. 33, 99, 135, 176, 255, 321; 2005 a. 25, 49, 71, 74, 177, 178, 323, 361, 460, 479, 483; s. 13.93 (1) (b) and (2) (c).

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1 ~~SECTION 15. 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act~~
2 ~~109, is repealed and recreated to read:~~

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

10 ~~SECTION 16. 11.01 (17g) and (17r) of the statutes, as created by 2001 Wisconsin~~
11 ~~Act 109, are repealed.~~

12 ~~SECTION 17. 11.05 (1) of the statutes, as affected by 2001 Wisconsin Act 109,~~
13 ~~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 (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 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 22. 11.05 (3) (o) of the statutes is repealed.

5 SECTION 23. 11.05 (3) (r) of the statutes, as created by 2001 Wisconsin Act 109,
6 is repealed and recreated 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 24. 11.05 (3) (s) of the statutes is created to read:

11 11.05 (3) (s) In the case of a registrant that has made a communication
12 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
13 11.06 (1) with respect to any obligation to make a disbursement incurred or any
14 disbursement made for the purpose of making such a communication prior to
15 registration.

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

18 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
19 submitted in a statement of registration shall be reported by the registrant to the
20 appropriate filing officer within 10 days following the change. This period does not
21 apply in case of change of an indication made under s. 11.06 (2m), which shall be
22 reported no later than the date that a registrant is subject to a filing requirement
23 under s. 11.06 (2m). Any such change may be reported only by the individual or by
24 the officer who has succeeded to the position of an individual who signed the original
25 statement; but in the case of a personal campaign committee, a candidate or

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1 of or opposition to one of whom an incurred obligation or disbursement identified in
2 the report is incurred or made. A committee that files a report pertaining to a
3 disbursement under par. (c) is not required to file a report pertaining to the same
4 disbursement under this paragraph. This paragraph does not apply to a committee
5 that files reports under s. 11.21 (16).

SECTION # CR; 11.12(6)(c) and (d)
11.12(6)(c)

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

19 2. A committee which is required to file reports under this paragraph shall also
20 report to the board, together with its report under subd. 1., in such manner as the
21 board may prescribe, the amount and date of each ^{such} disbursement made for the
22 purpose of advocating the election or defeat of a candidate specified in this paragraph
23 in the manner specified in this paragraph, and the name of the candidate in support
24 of or in opposition to whom the disbursement was made.

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1 *3* A committee which files a report under this paragraph concerning a *
2 disbursement is not required to file a report pertaining to the same disbursement
3 under par. (a).

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

6 SECTION 62. 11.12 (8) and (9) of the statutes, *as created by 2001 Wisconsin Act*
7 ~~109, are repealed and recreated~~ *are created* to read: ✓

8 11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
9 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
10 candidate has accumulated cash in his or her campaign depository account or has
11 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
12 a combined total of 75 percent of the amount specified in s. 11.31 (1) (a) to (de), (e),
13 or (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks, that
14 candidate or the candidate's personal campaign committee shall file daily reports
15 with the board and with each candidate whose name is certified to appear on the
16 ballot for the office in connection with which the disbursement is made, by electronic
17 mail or facsimile transmission, on each day beginning with that date or the 7th day
18 after the primary election or the date that a primary would be held, if required,
19 whichever is later, and ending on the date of the election at which the candidate seeks
20 office. Each report shall ~~contain information pertaining to each disbursement made~~
21 ~~by the candidate or committee and shall~~ be filed no later than 24 hours after that
22 disbursement is made. Each report shall include the same information *pertaining to*
23 each disbursement *made by the candidate or committee* ~~that is required to be reported for other disbursements under s.~~ *concerning*
24 11.06 (1). The information shall also be included in the next regular report of the
25 candidate or committee under s. 11.20.

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1 (9) Whenever a report is required to be filed with a candidate by electronic mail
2 or facsimile transmission under this section, the report shall be filed at the address
3 or number of the candidate or personal campaign committee as shown on the
4 registration statement of the candidate or committee. If no electronic mail address
5 or facsimile transmission number is shown, the report shall be filed at the mailing
6 address shown on the statement.

7 ~~SECTION 63. 11.14 (3) of the statutes, as affected by 2001 Wisconsin Act 109,~~
8 is repealed and recreated to read:

9 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own
10 campaign treasurer and who is authorized to make and makes an indication on his
11 or her registration statement under s. 11.06 (2m) that he or she will not accept
12 contributions, make disbursements, or incur obligations in an aggregate amount
13 exceeding \$1,000 in a calendar year, and will not accept any contribution or
14 contributions from a single source, other than contributions made by the candidate
15 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single
16 personal account as his or her campaign depository account, and may intermingle
17 personal and other funds with campaign funds. If a separate depository account is
18 later established by the candidate, the candidate shall transfer all campaign funds
19 in the personal account to the new depository account. Disbursements made from
20 such personal account need not be identified in accordance with s. 11.16 (3).

21 ~~SECTION 64. 11.16 (2) of the statutes, as affected by 2001 Wisconsin Act 109,~~
22 is repealed and recreated to read:

23 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
24 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
25 credit card receipt bearing on the face the name of the remitter. No treasurer may

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1 election for the same office, unless the board determines that the candidate is not
2 eligible to receive a grant or sub. (3p) applies.

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

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

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

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

15 11.31 (3p) CANDIDATES RECEIVING ^{CS} ~~ADDITIONAL~~ GRANTS; EXCEPTION. If a candidate
16 receives a ^{supplemental} grant under s. 11.50 (9) (ba) or (bb), the disbursement limitation of that
17 candidate for the campaign in which the grant is received is increased by the amount
18 of ^{the supplemental} that grant.

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

21 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
22 "consumer price index" means the average of the consumer price index over each
23 12-month period, all items, U.S. city average, as determined by the bureau of labor
24 statistics of the U.S. department of labor.

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Section #. 11.50 (2) (c) of the statutes is amended to read:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178.

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

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

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

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

15 **SECTION 148.** 11.50 (2w) of the statutes, as created by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 **11.50 (2w) GENERAL ACCOUNT.** There is established a general account within
18 the fund consisting of all moneys designated by individuals for deposit in that
19 account under s. 71.10 (3) (a).

20 **SECTION 149.** 11.50 (3) of the statutes is repealed.

21 **SECTION 150.** 11.50 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
22 is repealed and recreated to read:

23 11.50 ^{(4e) (3)} ~~(4)~~ **PAYMENT OF GRANT AMOUNTS.** The state treasurer shall make payment
24 of each grant to an eligible candidate from the political party account of that
25 candidate's political party, if any, if there are sufficient moneys in that account to

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1 make full payment of the grant, and then from the general account. If there are
2 insufficient moneys in the general account to make full payment of a grant, the state
3 treasurer shall supplement the general account from the appropriation under s.
4 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
5 provided in ~~subs. (4m) and (10)~~ ^{sub. ✓}, the amount of each grant is the amount specified in
6 sub. (9).

7 ~~SECTION 151.~~ 11.50 (4m) of the statutes is created to read:

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

- 18 (a) For candidates for statewide offices, not less than 4,000 electors.
- 19 (b) For candidates for state senator, not less than 800 electors.
- 20 (c) For candidates for representative to the assembly, not less than 400 electors.

21 **SECTION 152.** 11.50 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
22 is repealed and recreated to read:

23 **11.50 (5) TIME OF DISBURSEMENT.** The state treasurer shall make the
24 disbursements of grants under sub. (9) (a) to the campaign depository account of each
25 eligible candidate by the end of the 3rd business day following notice from the board

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1 campaign treasurer may accept grants exceeding the amount authorized by this
2 subsection.

3 11.50(1) (ba) If an eligible candidate at a primary or election, or both, who accepts a
4 grant is opposed by one or more candidates who are required, or whose personal
5 campaign committees are required, to file a report under s. 11.12 (8), then the board
6 shall make an additional grant to the eligible candidate who accepts a grant in an
7 amount equal to the total amount or value of disbursements, as reported under s.
8 11.12 (8), made by the opposing candidate or candidates exceeding the amount
9 specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate
10 seeks, as adjusted under s. 11.31 (9) without respect to any adjustment under s. 11.31
11 (1m), but not more than, together with any additional grant provided under par. (bb),
12 an amount equal to 3 times for the amount specified in s. 11.31 (1) (a) to (de), (e), or
13 (f) for the office that the eligible candidate seeks as adjusted under s. 11.31 (9) but
14 without respect to any adjustment under s. 11.31 (1m).

15 (bb) If the sum of the aggregate disbursements made by committees against an
16 eligible candidate and the aggregate disbursements made by committees for that
17 candidate's opponent, as reported under s. 11.12 (6) (c), exceeds 10 percent of the
18 amount specified under s. 11.31 (1) (a) to (de), (e), or (f), for the office that the eligible
19 candidate seeks as adjusted under s. 11.31 (9), but without respect to any adjustment
20 under s. 11.31 (1m), then the board shall make an additional grant to the eligible
21 candidate in an amount equal to that sum but not more than, together with any
22 additional grant provided under par. (ba), an amount equal to 3 times the amount
23 specified in s. 11.31 (1) (a) to (de), (e) or (f) for the office that the eligible candidate
24 seeks as adjusted under s. 11.31 (9) but without respect to any adjustment under s.
25 11.31 (1m).

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1 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
2 authorized under s. 11.50 (2m).

3 **SECTION 168.** 20.835 (2) (eg) of the statutes is created to read:

4 20.835 (2) (eg) *Campaign contribution tax credit.* A sum sufficient to pay the
5 claims approved under s. 71.07 (6n).

6 **SECTION 169.** 20.855 (4) (ba) of the statutes is created to read:

7 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
8 equal to the amounts ^e required to make full payment of grants which candidates
9 qualify to receive from the Wisconsin election campaign fund, to be transferred from
10 the general fund to the Wisconsin election campaign fund ^{whenever candidates qualify to receive grants under s. 11.50 (9)} no later than the time
11 required to make payments of grants under s. 11.50 (5). *LET: leave as typed*

12 **SECTION 170.** 25.42 of the statutes, as affected by 2001 Wisconsin Act 109, is
13 repealed and recreated to read:

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

21 **SECTION 171.** 71.07 (6n) of the statutes is created to read:

22 71.07 (6n) **CAMPAIGN CONTRIBUTION TAX CREDIT.** (a) *Definitions.* In this
23 subsection:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

-0464/ldn
LRB-1151/ldr

JTK:jd:rs
a
ajs

December 29, 2004

PWS
DIA
Senator Ellis:

1. This draft provides funding for one additional campaign finance investigator position and one additional auditor position at the Elections Board. Because the biennial budget act repeals and recreates the appropriation schedule under s. 20.005 (3), stats., if the bill resulting from this draft becomes law before enactment of the budget act and the budget act does not include the funding provided in this draft, the effect will be to eliminate the funding provided in this draft. To preserve the funding of these positions, you may wish to seek inclusion of the funding in the biennial budget bill.

2. I want to note briefly that a few of the provisions of this draft are innovative, and I do not yet have, to my knowledge, specific guidance from the U.S. Supreme Court concerning the enforceability of provisions of these types. It is well possible that a court may find a rational basis for these provisions that would permit them to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases, that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association or upon equal protection guarantees, it is possible that enforceability problems with these provisions may occur. In particular, those provisions concerning which I do not have specific guidance at this time are:

(a) Proposed s. 11.12 (8), which requires candidates who do not accept public grants to file special reports that are not required of candidates who accept public grants. ✓

(b) Proposed s. 11.50 (9) (b), (ba) and (bb) which provides public grants to qualifying candidates to match contributions received by independent committees and certain independent disbursements and other expenditures and disbursements exceeding the disbursement limitations by candidates who do not accept public grants. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. 11.50 (9) (b), (ba) or (bb) were challenged. *

If you need further information or would like to make any changes based on the above information, please let me know. *

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0464/1dni
JTK.....

INS D1A:

1. In reviewing 2005 SB-46, I discovered that the change deleting the nonresident reporting exemption that was enacted in 2005 Act 176 was deleted by 2005 Act 177, which repealed and recreated the relevant statute to restore the text in effect prior to the enactment of 2001 Wisconsin Act 109. Had these acts been signed by the governor in the opposite order, this deletion would not have occurred. Both acts originated from bills that were properly drafted at the time they were drafted. As in always the case, however, the bills did not anticipate each other's passage. In accord with SB-46, however, I have restored in this draft the change made by 2005 Act 176, which was also included in SB-46.

eis

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0464/1dn
JTK:cjs:jf

December 4, 2006

Senator Ellis:

1. In reviewing 2005 SB-46, I discovered that the change deleting the nonresident reporting exemption that was enacted in 2005 Act 176 was deleted by 2005 Act 177, which repealed and recreated the relevant statute to restore the text in effect prior to the enactment of 2001 Wisconsin Act 109. Had these acts been signed by the governor in the opposite order, this deletion would not have occurred. Both acts originated from bills that were properly drafted at the time they were drafted. As is always the case, however, the bills did not anticipate each other's passage. In accord with SB-46, however, I have restored in this draft the change made by 2005 Act 176, which was also included in SB-46.

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If you need further information or would like to make any changes based on the above information, please let me know.

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