

## 2007 SENATE BILL 77

February 28, 2007 – Introduced by Senators ERPENBACH, ELLIS, LEHMAN, WIRCH, HARSDORF, CARPENTER, RISSER, COWLES and BRESKE, cosponsored by Representatives TRAVIS, HEBL, TURNER, SHERMAN, BLACK, DAVIS, BERCEAU, SHERIDAN, VAN AKKEREN, POCAN, ZEPNICK, CULLEN, SOLETSKI and KAUFERT. Referred to Committee on Campaign Finance Reform, Rural Issues and Information Technology.

1     **AN ACT** *to amend* 11.06 (2); and *to create* 11.01 (16) (a) 3. and 11.05 (3) (s) of the  
2             statutes; **relating to:** the scope of regulated activity under the campaign  
3             finance law.

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### ***Analysis by the Legislative Reference Bureau***

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

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election and by means of communications media, makes any communication which includes a reference to a candidate for state office at that election, a state office to be filled at that election, or a political party. The bill also requires an individual or organization who or which becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary

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association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

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

1           **SECTION 1.** 11.01 (16) (a) 3. of the statutes is created to read:

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

9           **SECTION 2.** 11.05 (3) (s) of the statutes is created to read:

10           11.05 **(3)** (s) In the case of a registrant that has made a communication  
11 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.  
12 11.06 (1) with respect to any obligation to make a disbursement incurred or any  
13 disbursement made for the purpose of making such a communication prior to  
14 registration.

15           **SECTION 3.** 11.06 (2) of the statutes is amended to read:

16           11.06 **(2)** DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding  
17 sub. (1), if a disbursement is made or obligation incurred by an individual other than  
18 a candidate or by a committee or group which is not primarily organized for political  
19 purposes, and the disbursement does not constitute a contribution to any candidate

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1 or other individual, committee, or group, and the disbursement is not made or the  
2 obligation is not incurred for the purpose of making a communication specified in s.  
3 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only if the  
4 purpose is to expressly advocate the election or defeat of a clearly identified  
5 candidate or the adoption or rejection of a referendum. The exemption provided by  
6 this subsection shall in no case be construed to apply to a political party, legislative  
7 campaign, personal campaign or support committee.

8 **SECTION 4. Initial applicability.**

9 (1) The treatment of section 11.01 (16) (a) 3. of the statutes first applies with  
10 respect to reporting periods which begin on or after the effective date of this  
11 subsection.

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(END)