
AN ACT to amend 11.06 (2); and to create 11.01 (12v), 11.01 (12w), 11.01 (13), 11.01 (14), 11.01 (16) (a) 3. and 11.05 (3) (s) of the statutes; relating to: the scope of regulated activity under the campaign finance law.

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 one or more communications media, a mass distribution, a mass electronic communication, or a mass telephoning, makes any mass 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
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.

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

SECTION 1. 11.01 (12v) of the statutes is created to read:

11.01 (12v) “Mass communication” means a message that is disseminated by
means of one or more communications media, a mass electronic communication, a
mass distribution, or a mass telephoning, but not including a bona fide poll
conducted for the purpose of objectively identifying or collecting data concerning the
attitudes or preferences of electors.

SECTION 2. 11.01 (12w) of the statutes is created to read:

11.01 (12w) “Mass distribution” means the distribution of 50 or more pieces of
substantially identical material.

SECTION 3. 11.01 (13) of the statutes is created to read:

11.01 (13) “Mass electronic communication” means the transmission of 50 or
more pieces of substantially identical material by means of electronic mail or
facsimile transmission.

SECTION 4. 11.01 (14) of the statutes is created to read:

11.01 (14) “Mass telephoning” means the making of 50 or more telephone calls
conveying a substantially identical message.

SECTION 5. 11.01 (16) (a) 3. of the statutes is created to read:
11.01 (16) (a) 3. A mass communication, other than a communication that is exempt from reporting under s. 11.29, that is made during the period beginning on the 60th day preceding an election and ending on the date of that election, and that includes a reference to a candidate for state office whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that election, a reference to a state office to be filled at that election, or a reference to a political party.

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

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

**SECTION 7.** 11.06 (2) of the statutes is amended to read:

11.06 (2) **Disclosure of certain indirect disbursements.** Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate or by a committee or group which is not primarily organized for political purposes, and the disbursement does not constitute a contribution to any candidate or other individual, committee, or group, and the disbursement is not made or the obligation is not incurred for the purpose of making a mass communication specified in s. 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only if the purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum. The exemption provided by this subsection shall in no case be construed to apply to a political party, legislative campaign, personal campaign or support committee.

**SECTION 8. Initial applicability.**
(1) The treatment of section 11.01 (12v), (12w), (13), (14), and (16) (a) 3. of the statutes first applies with respect to reporting periods which begin on or after the effective date of this subsection.