



## 2009 SENATE BILL 40

1     **AN ACT** *to repeal* 11.50 (3) (a) 2.; *to amend* 8.35 (4) (b), 11.12 (2), 11.16 (2), 11.16  
2           (3), 11.26 (1) (a), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b), 11.26 (13), 11.31 (1) (d),  
3           11.50 (1) (a) 1., 11.50 (3) (b), 11.60 (4), 11.61 (2), 20.855 (4) (b) and 71.10 (3) (a);  
4           and *to create* 11.26 (1) (am), 11.26 (2) (an), 11.26 (9) (ba), 11.501 to 11.522,  
5           20.511 (1) (r), 20.585 (1) (q), 20.585 (1) (r), 20.855 (4) (ba), 20.855 (4) (bb), 25.17  
6           (1) (cm) and 25.421 of the statutes; **relating to:** public financing of campaigns  
7           for the office of justice of the supreme court, making appropriations, and  
8           providing penalties.

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*Analysis by the Legislative Reference Bureau*

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

9           **SECTION 1.** 8.35 (4) (b) of the statutes is amended to read:  
10           8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys  
11           received by a candidate from the Wisconsin election campaign fund shall be

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1 immediately transferred to any candidate who is appointed to replace such  
2 candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is  
3 no candidate appointed or if no proper application is filed within 7 days of the date  
4 on which the vacancy occurs, such moneys shall revert to the state as provided in s.  
5 11.50 (8). Notwithstanding par. (a), any unspent and unencumbered moneys  
6 received by a candidate from the democracy trust fund shall be immediately  
7 transferred to any candidate who is appointed to replace that candidate upon filing  
8 of a proper application therefor under s. 11.502 (1). For purposes of qualification,  
9 contributions received and disbursements made by the former candidate are  
10 considered to have been received or made by the replacement candidate. If there is  
11 no candidate appointed or if no proper application is filed within 7 days of the date  
12 on which a vacancy occurs, the moneys shall revert to the state.

13 **SECTION 2.** 11.12 (2) of the statutes is amended to read:

14 11.12 (2) Any No registrant, other than a candidate who receives a public  
15 financing benefit from the democracy trust fund, may accept an anonymous  
16 contribution exceeding \$10 received by a campaign or committee treasurer or by an  
17 individual under s. 11.06 (7) may not be used or expended. The. No candidate who  
18 receives a public financing benefit from the democracy trust fund may accept an  
19 anonymous contribution exceeding \$5. Any anonymous contribution that may not  
20 be accepted under this subsection shall be donated to the common school fund or to  
21 any a charitable organization at the option of the registrant's treasurer.

22 **SECTION 3.** 11.16 (2) of the statutes is amended to read:

23 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every Except as provided in s.  
24 11.506 (6), every contribution of money exceeding \$50 shall be made by negotiable  
25 instrument or evidenced by an itemized credit card receipt bearing on the face the

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1 name of the remitter. No treasurer may accept a contribution made in violation of  
2 this subsection. The treasurer shall promptly return the contribution, or donate it  
3 to the common school fund or to a charitable organization in the event that the donor  
4 cannot be identified.

5 **SECTION 4.** 11.16 (3) of the statutes is amended to read:

6 11.16 (3) FORM OF DISBURSEMENTS. ~~Every~~ Except as authorized under s. 11.511  
7 (1), every disbursement which is made by a registered individual or treasurer from  
8 the campaign depository account shall be made by negotiable instrument. Such  
9 instrument shall bear on the face the full name of the candidate, committee,  
10 individual or group as it appears on the registration statement filed under s. 11.05  
11 and where necessary, such additional words as are sufficient to clearly indicate the  
12 political nature of the registrant or account of the registrant. The name of a political  
13 party shall include the word “party”. The instrument of each committee registered  
14 with the board and designated under s. 11.05 (3) (c) as a special interest committee  
15 shall bear the identification number assigned under s. 11.21 (12) on the face of the  
16 instrument.

17 **SECTION 5.** 11.26 (1) (a) of the statutes is amended to read:

18 11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state,  
19 state treasurer, attorney general, or state superintendent ~~or justice~~, \$10,000.

20 **SECTION 6.** 11.26 (1) (am) of the statutes is created to read:

21 11.26 (1) (am) Candidates for justice, \$1,000.

22 **SECTION 7.** 11.26 (2) (a) of the statutes is amended to read:

23 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,  
24 state treasurer, attorney general, or state superintendent ~~or justice~~, 4 percent of the  
25 value of the disbursement level specified in the schedule under s. 11.31 (1).

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1           **SECTION 8.** 11.26 (2) (an) of the statutes is created to read:

2           11.26 **(2)** (an) Candidates for justice, \$1,000.

3           **SECTION 9.** 11.26 (9) (a) of the statutes is amended to read:

4           11.26 **(9)** (a) ~~No~~ Except as provided in par. (ba), no individual who is a candidate  
5 for state or local office may receive and accept more than 65 percent of the value of  
6 the total disbursement level determined under s. 11.31 for the office for which he or  
7 she is a candidate during any primary and election campaign combined from all  
8 committees subject to a filing requirement, including political party and legislative  
9 campaign committees.

10          **SECTION 10.** 11.26 (9) (b) of the statutes is amended to read:

11          11.26 **(9)** (b) ~~No~~ Except as provided in par. (ba), no individual who is a candidate  
12 for state or local office may receive and accept more than 45 percent of the value of  
13 the total disbursement level determined under s. 11.31 for the office for which he or  
14 she is a candidate during any primary and election campaign combined from all  
15 committees other than political party and legislative campaign committees subject  
16 to a filing requirement.

17          **SECTION 11.** 11.26 (9) (ba) of the statutes is created to read:

18          11.26 **(9)** (ba) Paragraphs (a) and (b) do not apply to a candidate who receives  
19 a public financing benefit from the democracy trust fund.

20          **SECTION 12.** 11.26 (13) of the statutes is amended to read:

21          11.26 **(13)** Except as provided in sub. (9), contributions received from the  
22 Wisconsin election campaign fund and public financing benefits received from the  
23 democracy trust fund are not subject to limitation by this section.

24          **SECTION 13.** 11.31 (1) (d) of the statutes is amended to read:

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1           11.31 (1) (d) Candidates for secretary of state, state treasurer, justice or state  
2 superintendent, \$215,625.

3           **SECTION 14.** 11.50 (1) (a) 1. of the statutes is amended to read:

4           11.50 (1) (a) 1. With respect to a spring or general election, any individual who  
5 is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state  
6 superintendent, or an individual who receives at least 6% of the vote cast for all  
7 candidates on all ballots for any state office, except district attorney, for which the  
8 individual is a candidate at the September primary and who is certified under s. 7.08  
9 (2) (a) as a candidate for that office in the general election, or an individual who has  
10 been lawfully appointed and certified to replace either such individual on the ballot  
11 at the spring or general election; and who has qualified for a grant under sub. (2).

12           **SECTION 15.** 11.50 (3) (a) 2. of the statutes is repealed.

13           **SECTION 16.** 11.50 (3) (b) of the statutes is amended to read:

14           11.50 (3) (b) If a vacancy occurs in the office of state superintendent or justice  
15 after August 15 in any year and an election is scheduled to fill the vacancy at the  
16 spring election in the following year, the state treasurer shall transfer an amount not  
17 exceeding 8 percent of the moneys transferred to the fund on the preceding August  
18 15 to the superintendency account for the office in which the vacancy occurs, such  
19 moneys to be drawn from any account within the accounts created under sub. (4) in  
20 the amount or amounts specified by the board.

21           **SECTION 17.** 11.501 to 11.522 of the statutes are created to read:

22           **11.501 Definitions.** In ss. 11.501 to 11.522:

23           (1) “Allowable contribution” means a qualifying contribution, seed money  
24 contribution, or personal contribution authorized under ss. 11.502 to 11.522.

25           (2) “Campaign” has the meaning given in s. 11.26 (17).

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1           **(3)** “Election campaign period” means the period beginning on the day after the  
2           spring primary election or the day on which a primary election would be held, if  
3           required, and ending on the day of the succeeding spring election.

4           **(4)** “Eligible candidate” means a candidate for the office of justice who has an  
5           opponent who has qualified to have his or her name certified for placement on the  
6           ballot at the spring primary or election and who qualifies for a public financing  
7           benefit by collecting the required number of qualifying contributions, making all  
8           required reports and disclosures, and being certified by the board as being in  
9           compliance with ss. 11.502 to 11.522.

10          **(5)** “Excess disbursement amount” means the amount of disbursements made  
11          by a nonparticipating candidate in excess of the public financing benefit available to  
12          an eligible candidate for the same office that the nonparticipating candidate seeks.

13          **(6)** “Excess qualifying contribution amount” means the amount of qualifying  
14          contributions accepted by a candidate beyond the number or dollar amount of  
15          contributions required to qualify a candidate for a public financing benefit.

16          **(7)** “Exploratory period” means the period that begins after the date of a spring  
17          election and ends on the first day of the public financing qualifying period for the next  
18          election for justice.

19          **(9)** “Immediate family,” when used with reference to a candidate, includes the  
20          candidate’s spouse and children.

21          **(10)** “Independent disbursement” means a disbursement by a person expressly  
22          advocating the election or defeat of a clearly identified candidate which is made  
23          without cooperation or consultation with a candidate, or any authorized committee  
24          or agent of a candidate, and which is not made in concert with, or at the request or  
25          suggestion of, any candidate, or any authorized committee or agent of a candidate.

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1           **(11)** “Nonparticipating candidate” means a candidate for the office of justice  
2 who does not apply for a public financing benefit or who is otherwise ineligible or fails  
3 to qualify for a public financing benefit under ss. 11.502 to 11.522.

4           **(12)** “Personal funds” means funds contributed by a candidate or a member of  
5 a candidate’s immediate family.

6           **(13)** “Primary election campaign period” means the period beginning on the  
7 day after the last day prescribed by law for filing nomination papers for that office  
8 and ending on the day of the spring primary election for that office or the day on  
9 which the primary election would be held, if required.

10           **(14)** “Public financing benefit” means a benefit provided to an eligible  
11 candidate under ss. 11.502 to 11.522.

12           **(15)** “Public financing qualifying period” means the period beginning on the  
13 first day of July of any year and ending on the day before the beginning of the primary  
14 election campaign period for that office.

15           **(16)** “Qualifying contribution” means a contribution in an amount of not less  
16 than \$5 nor more than \$100 made to a candidate by an elector of this state during  
17 the public financing qualifying period, which is acknowledged by written receipt  
18 identifying the contributor.

19           **(17)** “Seed money contribution” means a contribution in an amount of not more  
20 than \$100 made to a candidate by an elector of this state during the exploratory  
21 period or the public financing qualifying period, or a contribution made to a  
22 candidate consisting of personal funds of that candidate in an amount not more than  
23 the amount authorized under s. 11.507 during the exploratory period or the public  
24 financing qualifying period.

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1           **11.502 Qualification; certification. (1)** Before a candidate for justice in the  
2 primary election may be certified as an eligible candidate to receive a public  
3 financing benefit for the primary election campaign period, the candidate shall apply  
4 to the board for a public financing benefit and file a sworn statement that the  
5 candidate has complied and will comply with all requirements of this section and ss.  
6 11.503 to 11.522 throughout the applicable campaign, which includes the primary  
7 and election for that office. A candidate shall file the application and statement no  
8 later than the beginning of the primary election campaign period for the office that  
9 the candidate seeks.

10           **(2)** A candidate shall be certified by the board as an eligible candidate for  
11 receipt of a public financing benefit for a primary election if the candidate complies  
12 with sub. (1) and receives qualifying contributions from at least 1,000 separate  
13 contributors in an aggregate amount of not less than \$5,000 nor more than \$15,000  
14 before the close of the public financing qualifying period.

15           **(3)** The board shall verify a candidate's compliance with the requirements of  
16 sub. (2) by such verification and sampling techniques as the board considers  
17 appropriate.

18           **(4)** Each candidate shall:

19           (a) Acknowledge each qualifying contribution by a receipt to the contributor  
20 which contains the contributor's name and home address.

21           (b) No later than the 15th or the last day of the month which immediately  
22 follows the date of receipt of a qualifying contribution, whichever comes first, file a  
23 copy of the receipt under par. (a) with the board, except that during July, August, and  
24 September a copy need only be filed by the last day of the month.



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1           **(5)** A qualifying contribution may be utilized only for the purpose of making  
2 a disbursement authorized by law.

3           **11.503 Time of application. (1)** Before a candidate may be certified as  
4 eligible for receipt of a public financing benefit for the spring election, the candidate  
5 shall apply to the board and file a sworn statement that the candidate has fulfilled  
6 all the requirements of ss. 11.502 to 11.522 during the primary election campaign  
7 period and will comply with such requirements during the election campaign period.  
8 Except as authorized in s. 8.35 (4) (b), the application shall be filed no later than the  
9 7th day after the date of the spring primary or the day on which the primary election  
10 would be held if a primary were required.

11           **(2)** The board shall certify a candidate as an eligible candidate for receipt of a  
12 public financing benefit for the spring election if the candidate complies with sub. (1)  
13 and the candidate was an eligible candidate during the primary election campaign  
14 period.

15           **11.505 Agreement by candidate.** An eligible candidate who accepts a public  
16 financing benefit under ss. 11.502 to 11.522 during the primary election campaign  
17 period shall agree to comply with all requirements of ss. 11.502 to 11.522 throughout  
18 the election campaign period during the same campaign as a precondition to receipt  
19 of a public financing benefit. An eligible candidate who accepts a public financing  
20 benefit during a primary election campaign period may not elect to accept private  
21 contributions in violation of ss. 11.502 to 11.522 during the corresponding election  
22 campaign period.

23           **11.506 Requirements imposed upon candidates. (1)** An eligible  
24 candidate shall not accept private contributions other than seed money

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1 contributions and qualifying contributions that the candidate accepts during the  
2 exploratory period and the public financing qualifying period.

3       **(2)** In addition to reports required to be filed under ss. 11.12 (5) and 11.20, a  
4 candidate who receives a public financing benefit shall furnish complete financial  
5 records, including records of seed money contributions, qualifying contributions, and  
6 disbursements, to the board on the 15th or the last day of the month that  
7 immediately follows the receipt of the contribution or the making of the  
8 disbursement, whichever comes first, except that during July, August, and  
9 September records need only be furnished by the last day of the month. Each such  
10 candidate shall cooperate with any audit or examination by the board.

11       **(3)** In addition to adhering to requirements imposed under ss. 11.06 (5) and  
12 11.12 (3), a candidate who receives a public financing benefit shall maintain records  
13 of all contributions received by the candidate of more than \$5 but less than \$50,  
14 including seed money contributions and qualifying contributions, which shall  
15 contain the full name of the contributor and the contributor's full home address. In  
16 addition, if a contributor's aggregate contributions to any candidate exceed \$50 for  
17 any campaign, the candidate shall also maintain a record of the contributor's  
18 principal occupation and the name and business address of the contributor's place  
19 of employment.

20       **(4)** The failure to record or provide the information specified in sub. (3)  
21 disqualifies a contribution from being used by a candidate as a qualifying  
22 contribution.

23       **(5)** No eligible candidate and no person acting on a candidate's behalf may  
24 deposit any contribution that is not recorded in accordance with sub. (3) in a  
25 candidate's campaign depository account.

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1           **(6)** No eligible candidate may accept more than \$25 in cash from any  
2 contributor. No eligible candidate may accept cash from all sources in a total amount  
3 greater than one-tenth of 1 percent of the public financing benefit for the office that  
4 the candidate seeks or \$500, whichever is greater.

5           **11.507 Personal funds of candidates. (1)** The personal funds of a candidate  
6 contributed as seed money contributions may not exceed an aggregate amount of  
7 \$5,000.

8           **(2)** No eligible candidate may make any disbursement derived from personal  
9 funds after the close of the public financing qualifying period.

10           **11.508 Seed money contributions. (1)** An eligible candidate may accept  
11 seed money contributions from any individual or committee prior to the end of the  
12 public financing qualifying period, provided the total contributions received from one  
13 contributor, except personal funds and qualifying contributions otherwise permitted  
14 under ss. 11.502 to 11.522, do not exceed \$100, and the aggregate contributions,  
15 including personal funds, but not including qualifying contributions, do not exceed  
16 \$5,000.

17           **(2)** An eligible candidate may make disbursements derived from seed money  
18 contributions only during the exploratory period and the public financing qualifying  
19 period.

20           **11.509 Excess contributions.** If an eligible candidate receives excess seed  
21 money contributions or qualifying contributions on an aggregate basis, the  
22 candidate may retain the contributions and make disbursements derived from the  
23 contributions, in an amount not exceeding \$15,000. An amount equivalent to the  
24 excess contributions shall be deducted by the board from the candidate's public  
25 financing benefit. An eligible candidate shall transfer to the board all seed money

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1 and qualifying contributions that exceed the limits prescribed in this section within  
2 48 hours after the end of the exploratory period. The board shall deposit all  
3 contributions transferred under this section in the democracy trust fund.

4 **11.51 Certification by candidate. (1)** To apply for a public financing benefit,  
5 a candidate shall certify to the board that the candidate has complied and will  
6 comply, throughout the applicable campaign, with all requirements of ss. 11.502 to  
7 11.522 and that all disclosures required as of the time of application have been made,  
8 and shall present evidence of the requisite number of qualifying contributions  
9 received by the candidate. The candidate's request for certification shall be signed  
10 by the candidate and the candidate's campaign treasurer.

11 **(2)** The board shall certify to the state treasurer the name of each eligible  
12 candidate at the spring primary together with the amount of the public financing  
13 benefit payable to the candidate promptly after the candidate demonstrates his or  
14 her eligibility and, in any event, not later than 5 days after the end of the public  
15 financing qualifying period. The state treasurer shall immediately credit that  
16 candidate's account with a line of credit for the amount certified. No candidate may  
17 utilize a line of credit received under this subsection until the beginning of the  
18 primary election campaign period.

19 **(3)** The board shall certify to the state treasurer the name of each eligible  
20 candidate at the spring election together with the amount of the public financing  
21 benefit payable to the candidate not later than 48 hours after the date of the spring  
22 primary election for the office of justice, or the date that the primary election would  
23 be held if a primary were required. The state treasurer shall immediately credit that  
24 candidate's account with a line of credit for the amount certified. However, no  
25 candidate for a particular office shall receive a line of credit until all candidates for

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1 the office of justice who apply and qualify for a public financing benefit have been  
2 certified as eligible candidates.

3 (4) If any candidate who receives a public financing benefit violates the  
4 requirements of ss. 11.502 to 11.522, the board shall require the candidate to repay  
5 the amount obligated by the candidate from the democracy trust fund for the primary  
6 or election campaign period for which the candidate received the benefit. The board  
7 shall deposit all repayments received under this subsection in the democracy trust  
8 fund.

9 **11.511 Public financing benefits.** (1) The state treasurer shall provide to  
10 each eligible candidate who qualifies to receive a public financing benefit for the  
11 primary or election campaign period separate lines of credit for the public financing  
12 benefits payable to the candidate for the primary and election campaign periods in  
13 the amounts specified in this section, subject to any required adjustment under s.  
14 11.509, 11.512 (2) or 11.513 (2). An eligible candidate may use this public financing  
15 benefit to finance any lawful disbursements during the primary and election  
16 campaign periods to further the election of the candidate in that primary or election.  
17 An eligible candidate shall not use this public financing benefit to repay any loan,  
18 or in violation of ss. 11.502 to 11.522 or any other applicable law.

19 (2) Except as provided in ss. 11.512 (2) and 11.513 (2), the public financing  
20 benefit for a primary election campaign period is \$100,000.

21 (3) Except as provided in ss. 11.512 (2) and 11.513 (2), the public financing  
22 benefit for an election campaign period is \$300,000.

23 (4) If there is no spring primary for the office of justice, no eligible candidate  
24 may receive a public financing benefit for the primary election campaign period.

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1           **(5g)** An eligible candidate who receives a public financing benefit in the  
2 primary election campaign period and whose name is certified to appear on the ballot  
3 at the election following that primary may utilize any unencumbered balance of the  
4 public financing benefit received by the candidate in the primary election campaign  
5 period for the election campaign period.

6           **(5r)** Except as permitted in sub. (5g), an eligible candidate who receives a  
7 public financing benefit and who does not encumber or expend some portion of the  
8 benefit for a purpose described in sub. (1) shall return any unencumbered portion of  
9 the benefit to the board within 30 days after the primary or election in which the  
10 candidate participates.

11           **(6)** Notwithstanding subs. (2) and (3), beginning on July 1, 2012, and every 2  
12 years thereafter, the board shall modify the public financing benefits provided for in  
13 subs. (2) and (3) to adjust for the change in the consumer price index, all items, U.S.  
14 city average, published by the U.S. department of labor for the preceding 2-year  
15 period ending on December 31.

16           **11.512 Financial activity by nonparticipating candidates. (1)** In  
17 addition to other reports required by law, a nonparticipating candidate for an office  
18 at a primary or election who receives contributions or makes or obligates to make  
19 disbursements in an amount that is more than 5 percent greater than the public  
20 financing benefit applicable to an eligible candidate for the same office at the same  
21 primary or election shall file a report with the board itemizing the total contributions  
22 received and disbursements made or obligated to be made by the candidate as of the  
23 date of the report. The board shall transmit copies of the report to all candidates for  
24 the same office at the same election. A nonparticipating candidate shall file  
25 additional reports after the candidate receives each additional \$1,000 of

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1 contributions, or the candidate makes or obligates to make each additional \$1,000  
2 of disbursements. If such contributions are received or such disbursements are made  
3 or obligated to be made more than 6 weeks prior to the date of the primary election  
4 at which the name of the candidate appears on the ballot, or prior to the date that  
5 the primary election would be held, if a primary were required, the reports shall be  
6 made at the next regular reporting interval under s. 11.506. If such contributions  
7 are received or such disbursements made or obligated to be made within 6 weeks  
8 prior to the date of the primary election at which the name of the candidate appears  
9 on the ballot, or within 6 weeks prior to the date that the primary election would be  
10 held, if a primary were required, the reports shall be made within 24 hours after each  
11 instance in which such contributions are received, or such disbursements are made  
12 or obligated to be made.

13 (2) Upon receipt of such information, the board shall immediately certify to the  
14 state treasurer the name of each opposing eligible candidate together with the  
15 amount of a supplemental grant that shall become payable to that candidate. The  
16 supplemental grant shall be equivalent to the total excess disbursement amount  
17 made or obligated to be made, but not to exceed, in the aggregate, exclusive of any  
18 amount to which the candidate is entitled under s. 11.513 (2), an amount equal to 3  
19 times the public financing benefit payable to a candidate for the applicable office at  
20 the primary or other election for which the benefit is received. The state treasurer  
21 shall immediately credit each opposing eligible candidate with an additional line of  
22 credit for the amount certified.

23 **11.513 Independent disbursements.** (1) If any person makes, or becomes  
24 obligated to make, by oral or written agreement, an independent disbursement in  
25 excess of \$1,000 with respect to a candidate for the office of justice at a spring primary

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1 or election, that person shall file with the board a notice of the disbursement or  
2 obligation to make the disbursement. Any such person shall file reports of such  
3 disbursements or obligations to make such disbursements on the 15th or last day of  
4 the month that immediately follows the date of the disbursement or the obligation  
5 to make the disbursement, whichever comes first, except that, within 6 weeks prior  
6 to the date of the spring primary election, if a primary is held, and within 6 weeks  
7 prior to the date of the spring election, the person shall file such reports within 24  
8 hours after each independent disbursement is made or obligated to be made. Any  
9 such person shall file an additional report after each additional \$1,000 of  
10 disbursements are made or obligated to be made.

11 (2) When the aggregate independent disbursements made or obligated to be  
12 made by a person against an eligible candidate for an office or for the opponents of  
13 that candidate exceed 120 percent of the public financing benefit for that office in the  
14 primary election campaign period or the election campaign period, the board shall  
15 immediately certify to the state treasurer the name of that candidate together with  
16 the amount of a supplemental grant that shall become payable to that candidate.  
17 The supplemental grant shall be equivalent to the aggregate independent  
18 disbursements exceeding the applicable public financing benefit made or obligated  
19 to be made by a person, but not to exceed, exclusive of any amount to which a  
20 candidate is entitled under s. 11.512 (2), an amount equal to 3 times the public  
21 financing benefit payable to a candidate for the applicable office at the primary or  
22 other election for which the benefit is received. The state treasurer shall then  
23 immediately credit that candidate with an additional line of credit for the amount  
24 certified.



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1           **11.515 Democracy trust fund.** The democracy trust fund shall be  
2 administered by the state treasurer. The state treasurer shall establish an account  
3 within the fund for each eligible candidate.

4           **11.516 Administration.** Except as otherwise specifically provided in ss.  
5 11.501 to 11.522, the duties of and authority for administering and enforcing ss.  
6 11.501 to 11.522 are vested in the board.

7           **11.517 Penalties; enforcement. (1)** Notwithstanding s. 11.60 (1), if an  
8 eligible candidate makes disbursements that exceed the total amount of the public  
9 financing benefit allocated to the candidate for any campaign and the total  
10 qualifying and seed money contributions lawfully accepted by the candidate, the  
11 candidate may be required to forfeit not more than 10 times the amount by which the  
12 disbursements exceed the allocation.

13           **(2)** Notwithstanding s. 11.60 (1), any eligible candidate who accepts  
14 contributions in excess of any limitation imposed under ss. 11.502 to 11.522 may be  
15 required to forfeit not more than 10 times the amount by which the contributions  
16 exceed the applicable limitation.

17           **(3)** If the board finds that there is probable cause to believe that an eligible  
18 candidate has made excess disbursements or has accepted excess contributions  
19 contrary to sub. (1) or (2), the board shall attempt for a period of not more than 14  
20 days after its finding to correct the matter by informal methods of conference and  
21 conciliation and to enter into a settlement and conciliation agreement under s. 5.05  
22 (1) (c) with the person involved. A settlement and conciliation agreement made  
23 pursuant to this subsection shall be a matter of public record. Unless violated, a  
24 settlement and conciliation agreement is a bar to any civil action under sub. (4).

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1           **(4)** If the board has probable cause to believe that an eligible candidate has  
2 made excess disbursements or has accepted excess contributions and the board is  
3 unable to correct the matter by informal methods within the time prescribed in sub.  
4 (3), the board shall make a public finding of probable cause in the matter. After  
5 making a public finding, the board may bring a civil action against the eligible  
6 candidate as provided in s. 5.05 (1) (c).

7           **(5)** If an elector believes that an eligible candidate has violated ss. 11.502 to  
8 11.522 and the elector is entitled to vote for or against the eligible candidate in the  
9 election in connection with which the violation is alleged to occur, the elector may file  
10 a complaint with the board requesting it to take remedial action. If the board refuses  
11 to take remedial action or, within 30 days after the filing of such a complaint, fails  
12 to take remedial action, the elector may commence a civil action requesting the court  
13 to impose a forfeiture under sub. (1) or (2) in circuit court for the county where the  
14 board is authorized to bring an action under s. 5.05 (1) (c).

15           **(6)** The board and courts shall expedite all proceedings under ss. 11.502 to  
16 11.522 so that all complaints brought prior to an election are resolved, to the extent  
17 possible, before the election is held.

18           **(7)** If a complaint brought under ss. 11.502 to 11.522 is resolved against the  
19 complainant and is found to have been brought in bad faith and without reasonable  
20 basis therefor, the board or court may assess costs, including reasonable attorney  
21 fees, against the complainant.

22           **11.518 Prohibited acts. (1)** Notwithstanding s. 11.61 (1) (c), if an eligible  
23 candidate or agent of a candidate knowingly accepts more contributions than the  
24 candidate is entitled to receive, or makes disbursements exceeding the total amount  
25 of the public financing benefit received by the candidate and the qualifying and seed

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1 money contributions lawfully received by the candidate, the candidate or agent is  
2 guilty of a Class G felony.

3 (2) Notwithstanding s. 11.61 (1) (c), if in connection with the receipt or  
4 disbursement of a public financing benefit for an election campaign, any person  
5 knowingly provides false information to the board, or knowingly conceals or  
6 withholds information from the board, that person is guilty of a Class G felony.

7 **11.522 Contributions to nonparticipating candidates; attributions. (1)**

8 A nonparticipating candidate may accept contributions from private sources without  
9 limitation, except that no person may make any contribution or contributions to a  
10 nonparticipating candidate exceeding a total of \$1,000 during any campaign.

11 (2) In addition to the attribution required under s. 11.30 (2), any electronic or  
12 print communication paid for or authorized by a nonparticipating candidate shall  
13 contain the following sentence: “This communication is paid for with money raised  
14 from private sources. This candidate has not agreed to abide by campaign  
15 contribution and spending limits.”

16 **SECTION 18.** 11.60 (4) of the statutes is amended to read:

17 11.60 (4) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h),  
18 5.08, and 5.081, actions under this section or 11.517 may be brought by the board or  
19 by the district attorney for the county where the defendant resides or, if the  
20 defendant is a nonresident, by the district attorney for the county where the violation  
21 is alleged to have occurred. For purposes of this subsection, a person other than a  
22 natural person resides within a county if the person’s principal place of operation is  
23 located within that county.

24 **SECTION 19.** 11.61 (2) of the statutes is amended to read:

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1           11.61 (2) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i),  
 2           5.08, and 5.081, all prosecutions under this section or s. 11.518 shall be conducted  
 3           by the district attorney for the county where the defendant resides or, if the  
 4           defendant is a nonresident, by the district attorney for the county where the violation  
 5           is alleged to have occurred. For purposes of this subsection, a person other than a  
 6           natural person resides within a county if the person’s principal place of operation is  
 7           located within that county.

8           **SECTION 20.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
 9           insert the following amounts for the purposes indicated:

	<b>2009–10</b>	<b>2010–11</b>
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11           **20.511 Government accountability**

12           (1) ADMINISTRATION OF ELECTION, ETHICS, AND  
 13           LOBBYING LAWS

14           (r) Democracy trust fund adminis-		
15           tration	SEG    A	–0–       –0–

16           **20.585 Treasurer, state**

17           (1) CUSTODIAN OF STATE FUNDS

18           (r) Democracy trust fund adminis-		
19           tration	SEG    A	–0–       –0–

20           **SECTION 21.** 20.511 (1) (r) of the statutes is created to read:

21           20.511 (1) (r) *Democracy trust fund administration.* From the democracy trust  
 22           fund, the amounts in the schedule for the administration of ss. 11.501 to 11.522.

23           **SECTION 22.** 20.585 (1) (q) of the statutes is created to read:

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1           20.585 (1) (q) *Public financing benefits; candidates for justice.* From the  
2           democracy trust fund, a sum sufficient to provide for payment of public financing  
3           benefits to eligible candidates under ss. 11.501 to 11.522.

4           **SECTION 23.** 20.585 (1) (r) of the statutes is created to read:

5           20.585 (1) (r) *Democracy trust fund administration.* From the democracy trust  
6           fund, the amounts in the schedule for the administration of ss. 11.501 to 11.522.

7           **SECTION 24.** 20.855 (4) (b) of the statutes is amended to read:

8           20.855 (4) (b) (title) *Election campaign fund payments.* A sum sufficient equal  
9           to one-third of the amounts determined under s. 71.10 (3) to be paid into the  
10          Wisconsin election campaign fund annually on August 15.

11          **SECTION 25.** 20.855 (4) (ba) of the statutes is created to read:

12          20.855 (4) (ba) *Democracy trust fund payments.* A sum sufficient equal to  
13          two-thirds of the amounts determined under s. 71.10 (3) to be paid into the  
14          democracy trust fund annually on August 15.

15          **SECTION 26.** 20.855 (4) (bb) of the statutes is created to read:

16          20.855 (4) (bb) *Democracy trust fund transfer.* A sum sufficient equal to the  
17          difference between the unencumbered balance in the democracy trust fund and the  
18          amounts required to provide public financing benefits that candidates qualify to  
19          receive from the democracy trust fund, to be transferred from the general fund to the  
20          democracy trust fund no later than the time required to make payments of grants  
21          under s. 11.51 (2) and (3).

22          **SECTION 27.** 25.17 (1) (cm) of the statutes is created to read:

23          25.17 (1) (cm) Democracy trust fund (s. 25.421);

24          **SECTION 28.** 25.421 of the statutes is created to read:

