SENATE BILL 417 (LRB -3859)

An Act to amend 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (12) (b), 11.07 (1), 11.23 (1) and 11.38 (8) (b) of the statutes; relating to: the threshold for registration and reporting by groups and individuals seeking to influence referendum results.

2009

12-02.	S.	Introduced by committee on **JUDICIARY, CORRECTIONS, INSURANCE, CAMPAIGN FINANCE REFORM, AND HOUSING**.	
12-02.	S.	Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing	433
12-15.	S.	Public hearing held.	

2010

01-07.	S.	Executive action taken.	
01-08.	S.	Report passage recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0	476
01-08.	S.	Available for scheduling.	
04-14.	S.	Placed on calendar 4-15-2010 pursuant to Senate Rule 18(1)	712
04-15.	S.	Read a second time.	
04-15.	S.	Ordered to a third reading.	
04-15.	S.	Rules suspended.	
04-15.	S.	Read a third time and **passed**.	
04-15.	S.	Ordered immediately messaged.	
04-15.	A.	Received from Senate	837
04-15.	A.	Read first time and referred to committee on Rules	838
04-15.	A.	Made a special order of business at 11:45 A.M. on 4-20-2010 pursuant to Assembly Resolution 23	869
04-20.	A.	Read a second time.	
04-20.	A.	Ordered to a third reading.	
04-20.	A.	Rules suspended.	
04-20.	A.	Read a third time and **concurred in**.	
04-20.	A.	Ordered immediately messaged.	
04-21.	S.	Received from Assembly concurred in.	

SB

2009
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 09 -3859/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

5-4-10
Date

Enrolling Drafter

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB-3859/1
JTK:cjs:ph

2009 SENATE BILL 417

December 2, 2009 – Introduced by COMMITTEE ON JUDICIARY, CORRECTIONS, INSURANCE, CAMPAIGN FINANCE REFORM, AND HOUSING. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

AN ACT ***to amend*** 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (12) (b), 11.07 (1), 11.23 (1) and 11.38 (8) (b) of the statutes; **relating to:** the threshold for registration and reporting by groups and individuals seeking to influence referendum results.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, every group that makes or accepts contributions, incurs obligations, or makes disbursements (expenditures), and every individual that accepts contributions, incurs obligations, or makes disbursements exceeding a total of $25 within a calendar year to influence the outcome of a state or local referendum must register with the appropriate filing officer or agency and, with certain exceptions, must file regular financial reports providing the information specified by law. A registrant that meets certain qualifications and does not accept any contribution from a single source exceeding a total of $100 within a calendar year may qualify for an exemption from reporting.

This bill increases the registration threshold to amounts exceeding a total of $750 within a calendar year. The bill also adjusts the threshold for acceptance of contributions from a single source to potentially qualify for a reporting exemption to a total of $750 within a calendar year.

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

SECTION 1. 11.05 (1) of the statutes is amended to read:

11.05 **(1)** COMMITTEES AND GROUPS. Except as provided in s. 9.10 (2) (d), every committee other than a personal campaign committee which makes or accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of $25, and every political group subject to registration under s. 11.23 ~~which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount in excess of $25~~ shall file a statement with the appropriate filing officer giving the information required by sub. (3). In the case of any committee other than a personal campaign committee, the statement shall be filed by the treasurer. A personal campaign committee shall register under sub. (2g) or (2r).

SECTION 2. 11.05 (2) of the statutes is amended to read:

11.05 **(2)** INDIVIDUALS. Except as provided in s. 9.10 (2) (d), every individual, other than a candidate or agent of a candidate, who accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of $25 to support or oppose the election or nomination of a candidate at an election and every individual subject to registration under s. 11.23 shall file a statement with the appropriate filing officer giving the information required by sub. (3). An individual who guarantees a loan on which an individual, committee or group subject to a registration requirement defaults is not subject to registration under this subsection solely as a result of such default.

SECTION 3. 11.05 (2r) of the statutes is amended to read:

11.05 **(2r)** GENERAL REPORTING EXEMPTIONS. Any ~~person,~~ committee ~~or~~, group, or individual, other than a committee or individual required to file an oath under s. 11.06 (7), who or which does not anticipate accepting contributions, making

disbursements or incurring obligations in an aggregate amount in excess of $1,000 in a calendar year and does not anticipate accepting any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding $100 in that year, or exceeding $750 in that year for a group or individual subject to registration under s. 11.23, may indicate on its registration statement that the ~~person,~~ committee ~~or,~~ group, or individual will not accept contributions, incur obligations or make disbursements in the aggregate in excess of $1,000 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding $100 in ~~such~~ that year, or exceeding $750 in that year for a group or individual subject to registration under s. 11.23. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation, or the date that aggregate contributions, disbursements or obligations for the calendar year exceed $1,000, or the date on which the registrant accepts any contribution or contributions exceeding $100 from a single source, or exceeding $750 from a single source for a group or individual subject to registration under s. 11.23, other than contributions made by a candidate to his or her own campaign, during that year, whichever is earlier. If the revocation is not timely, the registrant violates s. 11.27 (1).

SECTION 4. 11.05 (12) (b) of the statutes is amended to read:

11.05 **(12)** (b) Except as authorized under sub. (13), a committee, group or individual that becomes subject to a registration requirement under sub. (1) or (2),

other than a candidate or agent of a candidate, shall comply with sub. (1) or (2) no later than the 5th business day commencing after receipt of the first contribution by ~~such~~ the committee, group or individual exceeding the amount specified under sub. (1) or (2) or s. 11.23 (1), and before making any disbursement exceeding that amount. No committee~~, group~~ or individual supporting or opposing the election or nomination of a candidate at an election, other than a candidate or agent of a candidate, may accept any contribution or contributions exceeding $25, and no group or individual subject to registration under s. 11.23 may accept any contribution or contributions exceeding $750, in the aggregate during a calendar year at any time when the committee, group or individual is not registered under this section except within the initial 5–day period authorized by this paragraph.

SECTION 5. 11.07 (1) of the statutes is amended to read:

11.07 **(1)** Every nonresident committee ~~or group~~ making contributions and every nonresident individual~~,~~ or committee ~~or group~~ making disbursements to support or oppose the election or nomination of a candidate at an election exceeding $25 cumulatively in a calendar year within this state, and every nonresident group making contributions and every nonresident group or individual making disbursements to support or oppose a particular vote at a referendum exceeding $750 cumulatively in a calendar year within this state, shall file name, mailing and street address and the name and the mailing and street address of a designated agent within the state with the office of the secretary of state. An agent may be any adult individual who is a resident of this state. After any change in the name or address of such agent the new address or name of the successor agent shall be filed within 30 days. Service of process in any proceeding under this chapter or ch. 12, or service of any other notice or demand may be made upon such agent.

1 **SECTION 6.** 11.23 (1) of the statutes is amended to read:

2 11.23 **(1)** Any group or individual may promote or oppose a particular vote at
3 any referendum in this state. ~~Before making disbursements, receiving contributions~~
4 ~~or incurring~~ Except as authorized in s. 11.05 (12) (b) and (13), before a group makes
5 or accepts contributions, makes disbursements, or incurs obligations in excess of ~~$25~~
6 $750 in the aggregate in a calendar year for such purposes, and before an individual
7 accepts contributions, makes disbursements, or incurs obligations in excess of $750
8 in the aggregate in a calendar year for such purposes, the group or individual shall
9 file a registration statement under s. 11.05 (1), (2) or (2r). In the case of a group the
10 name and mailing address of each of its officers shall be given in the statement.
11 Every group and every individual under this section shall designate a campaign
12 depository account under s. 11.14. Every group shall appoint a treasurer, who may
13 delegate authority but is jointly responsible for the actions of his or her authorized
14 designee for purposes of civil liability under this chapter. The appropriate filing
15 officer shall be notified by a group of any change in its treasurer within 10 days of
16 the change under s. 11.05 (5). The treasurer of a group shall certify the correctness
17 of each statement or report submitted by it under this chapter.

18 **SECTION 7.** 11.38 (8) (b) of the statutes is amended to read:

19 11.38 **(8)** (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
20 any disbursement exceeding the amount specified under s. 11.23 (1) on behalf of a
21 political group which is promoting or opposing a particular vote at a referendum and
22 prior to accepting any contribution or making any disbursement exceeding that
23 amount to promote or oppose a particular vote at a referendum, a corporation or
24 association organized under ch. 185 or 193 that becomes subject to a registration
25 requirement under s. 11.23 (1) shall register with the appropriate filing officer

1 specified in s. 11.02 and appoint a treasurer. The registration form of the corporation
2 or association under s. 11.05 shall designate an account separate from all other
3 corporation or association accounts as a campaign depository account, through
4 which all moneys received or expended for the adoption or rejection of the
5 referendum shall pass. The corporation or association shall file periodic reports
6 under s. 11.20 providing the information required under s. 11.06 (1).
7

(END)