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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Labor, Elections, and Urban
Affairs (SC-LEUA)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
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- Miscellaneous ... **Misc**

2007 - 2008 LEGISLATURE
December 2007 Special Session

LRB-3623/1
JTK&MES:kjl&cs:nwn

SENATE BILL 1

January 22, 2008 – Introduced by JOINT COMMITTEE ON LEGISLATIVE ORGANIZATION,
by request of Governor James E. Doyle. Referred to Committee on Campaign
Finance Reform, Rural Issues and Information Technology.

1 AN ACT *to repeal* 11.01 (12s), 11.01 (17g) and (17r), 11.05 (3) (o), 11.06 (3r), 11.06
2 (3w), 11.21 (17), 11.265, 11.31 (2m), 11.50 (2) (i), 11.50 (3) and 11.50 (4); *to*
3 *renumber* 11.24 (2), 11.50 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and*
4 *amend* 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (10), 11.50 (5) and 11.50
5 (9); *to amend* 5.02 (13), 7.08 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b.,
6 8.35 (4) (b), 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12)
7 (title), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06
8 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m)
9 (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (2), 11.12 (4), 11.12
10 (5), 11.14 (3), 11.16 (2), 11.16 (2), 11.16 (3), 11.16 (5), 11.19 (title), 11.19 (1), 11.20
11 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16),
12 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (1) (a), 11.26 (2) (intro.),
13 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26 (9) (a), 11.26 (9) (b), 11.26
14 (9) (b), 11.26 (13), 11.30 (4), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (d).

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1 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b),
2 11.50 (1) (a) 1. a., 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50
3 (2) (g), 11.50 (5) (title), 11.50 (6), 11.50 (9) (title), 11.50 (11) (e), 11.50 (13), 11.60
4 (4), 11.61 (1) (a), 11.61 (2), 20.511 (1) (q), 20.855 (4) (b), 25.42, 71.10 (3) (a), 71.10
5 (3) (a) and 71.10 (3) (b); *to repeal and recreate* 11.05 (9) (title) and 11.26 (2)
6 (an); and *to create* 7.08 (2) (cs), 11.001 (2m), 11.01 (14m), 11.01 (16) (a) 3., 11.05
7 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.05 (3) (s), 11.05 (5r), 11.06 (2m)
8 (title), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9),
9 11.24 (4), 11.26 (1) (am), 11.26 (2) (ad), 11.26 (2) (am), 11.26 (2) (an), 11.26 (2)
10 (au), 11.26 (9) (ba), 11.26 (10) (b), 11.31 (3p), 11.31 (9), 11.38 (2m), 11.50 (1) (a)
11 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (1) (e),
12 11.50 (2) (bm), 11.50 (2s), 11.50 (2w), 11.50 (4e), 11.50 (5) (b) and (c), 11.50 (9)
13 (ba) and (bb), 11.50 (14), 11.501 to 11.522, 11.60 (3s) and (3u), 20.511 (1) (r),
14 20.585 (1) (q), 20.585 (1) (r), 20.855 (4) (ba), 20.855 (4) (bb), 20.855 (4) (bc), 25.17
15 (1) (cm), 25.421, 71.07 (6n), 71.10 (4) (ds) and 806.041 of the statutes; **relating**
16 **to:** campaign financing, designations for the Wisconsin election campaign fund
17 by individuals filing state income tax returns, creating a nonrefundable
18 individual income tax credit for contributions to the Public Integrity
19 Endowment, candidate time on public broadcasting television stations and
20 public access channels, staffing of the Government Accountability Board;

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- 1 providing exemptions from emergency rule procedures; granting rule-making
- 2 authority; making appropriations; and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the income tax laws, the lobbying regulation law, and the staffing of the Government Accountability Board.

FILING OF CAMPAIGN FINANCE REPORTS

Exemptions from registration and reporting

Currently, with certain limited exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes or transfers disbursements (expenditures), or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

Currently, a new registrant is generally prohibited from making a contribution or disbursement from property or funds received prior to the date of registration, except that, if a registrant holds property or funds at the time of registration that were not intended for political purposes in connection with an election for state or local office at the time that they were received, the registrant may report the property or funds as received on the date of registration and may then use the property or funds to make a contribution or disbursement.

This bill provides that no individual who or organization which is subject to a registration requirement may make any contribution prior to the date of registration. In addition, the bill provides that no registrant may accept any contribution from any individual who or organization which is subject to a registration requirement prior to the date of registration of that individual or organization.

Currently, a nonresident registrant need report only contributions and other income received from sources in this state and disbursements made and obligations incurred with respect to an election for state or local office in this state. This bill deletes this exception to reporting requirements. The bill also requires nonresident registrants to include in their reports a separate statement of contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state and local office in this state. The change does not affect reporting by authorized committees of candidates for the office of U.S. senator or representative in Congress.

Currently, a national political party committee need not file reports for any period covered in a report filed by the committee with the Federal Election Commission. In addition, a state political party committee which is registered with the Federal Election Commission and which makes contributions to candidates for

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national office, as well as contributions to other state political party committees, need not file reports for any period covered by a report filed by the committee with the Federal Election Commission if the Government Accountability Board receives a copy of that report and the committee makes no contributions to any individual who or organization which is required to register with a filing officer under Wisconsin law. This bill deletes these exceptions to state reporting requirements.

Reporting thresholds

This bill provides that an individual who accepts contributions, makes disbursements, or incurs obligations or a group that makes or accepts contributions, makes disbursements, or incurs obligations in connection with one or more referenda is not subject to registration and reporting requirements until the individual or group engages in activity exceeding \$100 cumulatively within a calendar year.

The bill also permits an individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions, other than contributions made by a candidate to his or her own campaign, exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations independently of any candidate with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

Mass media activities

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. Currently, with limited exceptions, a corporation or cooperative association is prohibited from making any contribution or disbursement for the purpose of influencing an election for state or local office.

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 that includes a reference to a candidate at that election, an 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

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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 bill also creates an exception to the current prohibition on disbursements by corporations and cooperatives which permits a corporation or cooperative to make a disbursement for the purpose of making a communication within 60 days of an election by means of communications media that includes a reference to a candidate at that election, an office to be filled at that election, or a political party unless the communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a candidate for state or local office whose name is certified to appear on the ballot at the election. Under the bill, a corporation or cooperative making any such communication is subject to applicable registration and reporting requirements. The exception applies only if the communication: 1) does not mention an election, candidacy, opposing candidate, political party, or voting by the general public; and 2) does not take a position on a candidate's or officeholder's character, qualifications, or fitness for office, and either a) focuses on a legislative or executive matter or issue and urges a candidate to take a particular position or action with respect to the matter or issue or urges the public to contact a candidate with respect to the matter or issue, or b) proposes a commercial transaction, such as the purchase of a book, video, or other product or service.

Special reporting by certain registrants

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 14th day prior to the primary or election. Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the Government Accountability Board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a public grant (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 75 percent of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports, by electronic mail or facsimile transmission, with the Government Accountability Board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The daily reports may be filed no later than 24 hours after each disbursement is made, and must include the

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1 former candidate is deceased and was serving as his or her own campaign treasurer,
2 the former candidate's petitioner or personal representative shall ~~file the report and~~
3 ~~make the transfer required by par. (b), if any and file the report.~~ The report shall be
4 made at the appropriate interval under s. 11.20 (2) or (4) or in the manner required
5 under s. 11.21 (16), if applicable, and shall include a complete statement of all
6 contributions, disbursements and incurred obligations pursuant to s. 11.06 (1)
7 covering the period from the day after the last date covered on the former candidate's
8 most recent report to the date of disposition.

9 (d) The newly appointed candidate shall file his or her report at the next
10 appropriate interval under s. 11.20 (2) or (4) after his or her appointment or in the
11 manner required under s. 11.21 (16), if applicable. The appointed candidate shall
12 include any transferred ~~funds~~ moneys in his or her first report.

13 SECTION 8. 11.001 (2m) of the statutes is created to read:

14 11.001 (2m) The legislature finds a compelling justification for minimal
15 disclosure of all communications made near the time of an election that include a
16 reference to a clearly identified candidate at that election, an office to be filled at that
17 election, or a political party in order to permit increased funding for candidates who
18 are affected by those communications. The legislature finds that this minimal
19 disclosure burden is outweighed by the need to establish an effective funding
20 mechanism for affected candidates to effectively respond to communications that
21 may impact an election.

22 SECTION 9. 11.01 (12s) of the statutes is repealed.

23 SECTION 10. 11.01 (14m) of the statutes is created to read:

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SECTION 10

1 11.01 (14m) "Partisan state office" means the office of governor, lieutenant
2 governor, secretary of state, state treasurer, attorney general, state senator, state
3 representative to the assembly, or district attorney.

4 SECTION 11. 11.01 (16) (a) 3. of the statutes is created to read:

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

12 SECTION 12. 11.01 (17g) and (17r) of the statutes are repealed.

13 SECTION 13. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
14 to read

15 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
16 a personal campaign committee, ~~and every political group subject to a registration~~
17 ~~requirement under s. 11.23 which~~ that makes or accepts contributions, incurs
18 obligations, or makes disbursements in a calendar year in an aggregate amount in
19 excess of \$25 shall file a statement with the appropriate filing officer giving the
20 information required by sub. (3). ~~In the case of any committee other than a personal~~
21 ~~campaign committee, the~~ The statement shall be filed by the treasurer. A personal
22 campaign committee shall register under sub. (2g) ~~or (2F)~~.

23 SECTION 14. 11.05 (1) (b) of the statutes is created to read:

24 11.05 (1) (b) Every political group subject to registration under s. 11.23 that
25 makes or accepts contributions, incurs obligations, or makes disbursements in a

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LRB-1773/I

JTK:cjs:jf

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.

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.

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.

12 (END)

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LRB-2118/3

JTK:cjs:rs

2007 ASSEMBLY BILL 272

April 23, 2007 -- Introduced by Representatives MASON, HINTZ, HILGENBERG, GARTHWAITE, HRAYCHUCK, JORGENSEN, SOLETSKI, SMITH and HIXSON. Referred to Committee on Elections and Constitutional Law.

1 AN ACT *to amend* 11.06 (2); and *to create* 11.01 (12v), 11.01 (12w), 11.01 (13),
2 11.01 (14), 11.01 (16) (a) 3. and 11.05 (3) (s) of the statutes; **relating to:** the
3 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

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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:

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

2 11.01 (12v) "Mass communication" means a message that is disseminated by
3 means of one or more communications media, a mass electronic communication, a
4 mass distribution, or a mass telephoning, but not including a bona fide poll
5 conducted for the purpose of objectively identifying or collecting data concerning the
6 attitudes or preferences of electors.

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

8 11.01 (12w) "Mass distribution" means the distribution of 50 or more pieces of
9 substantially identical material.

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

11 11.01 (13) "Mass electronic communication" means the transmission of 50 or
12 more pieces of substantially identical material by means of electronic mail or
13 facsimile transmission.

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

15 11.01 (14) "Mass telephoning" means the making of 50 or more telephone calls
16 conveying a substantially identical message.

17 SECTION 5. 11.01 (16) (a) 3. of the statutes is created to read:

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SECTION 5

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

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

8 11.05 (3) (s) In the case of a registrant that has made a mass communication
9 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
10 11.06 (1) with respect to any obligation to make a disbursement incurred or any
11 disbursement made for the purpose of making such a communication prior to
12 registration.

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

14 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
15 sub. (1), if a disbursement is made or obligation incurred by an individual other than
16 a candidate or by a committee or group which is not primarily organized for political
17 purposes, ~~and~~ the disbursement does not constitute a contribution to any candidate
18 or other individual, committee, or group, and the disbursement is not made or the
19 obligation is not incurred for the purpose of making a mass communication specified
20 in s. 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only
21 if the purpose is to expressly advocate the election or defeat of a clearly identified
22 candidate or the adoption or rejection of a referendum. The exemption provided by
23 this subsection shall in no case be construed to apply to a political party, legislative
24 campaign, personal campaign or support committee.

25 SECTION 8. Initial applicability.

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SECTION 8

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

4 (END)

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LRB-0901-2
JFK wj&cj/rs

2007 ASSEMBLY BILL 355

May 24, 2007 - Introduced by Representatives POCAN, BERCEAU, BLACK, BOYLE, GARTHWAITE, HEBL, HINTZ, PARISI, POPE-ROBERTS, SEIDEL, SINICKI, SMITH, TRAVIS, TURNER and ZEPNICK, cosponsored by Senators RISSE, HANSEN, LASSA, LEHMAN, MILLER, SULLIVAN and WIRCH. Referred to Committee on Elections and Constitutional Law.

1 AN ACT *to repeal* 11.21 (15), 11.26 (9) (c), 11.26 (10), 11.26 (13), 11.31 (2) and (2m),
2 11.31 (3), 11.31 (3m), 11.31 (6), 11.50, 20.855 (4) (b), 25.17 (1) (ys) and 71.10 (3);
3 *to renumber and amend* 11.12 (6); *to amend* 5.02 (18), 5.62 (5), 7.08 (2) (c)
4 and (cm), 7.70 (3) (e) 1., 8.16 (1), 8.16 (5), 8.35 (4) (a) 1. a. and b., 8.35 (4) (b), 8.50
5 (1) (d), 8.50 (3) (b), 10.02 (3) (b) 2m., 10.06 (1) (e), 10.06 (1) (i), 11.06 (1) (a), 11.06
6 (1) (g), 11.06 (1) (jm), 11.06 (2), 11.16 (5), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b),
7 11.26 (17) (a), 11.31 (title), 11.31 (1) (intro.), 11.31 (4), 11.31 (7) (b), 11.31 (7) (c),
8 11.31 (8), 11.31 (10), 11.38 (6), 14.58 (20) and 14.58 (20); *to repeal and*
9 *recreate* 20.510 (1) (q), 20.511 (1) (q) and 25.42; and *to create* 11.01 (4m), 11.01
10 (16) (a) 3., 11.05 (3) (s), 11.12 (6) (b), 11.31 (9), 11.51, 20.855 (4) (ba) and 25.17
11 (1) (aw) of the statutes; **relating to:** the scope of regulated activity under the
12 campaign finance law, public financing of elections for certain state offices.

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LRB-09012
JKWlj&ejrs

ASSEMBLY BILL 355

1 providing an exemption from emergency rule procedures, granting
2 rule-making authority, providing a penalty, and making appropriations.

Analysis by the Legislative Reference Bureau

Scope of regulated activity

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 that includes a reference to a candidate for state office, other than court of appeals judge, circuit judge, or district attorney, at that election, a state office, other than court of appeals judge, circuit judge, or district attorney, to be filled at that election, or a political party. The bill also requires an individual who or organization that 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.

Public financing of elections for certain state offices

Currently, a candidate for state office other than court of appeals judge, circuit judge, or district attorney may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign. No funding is provided for primary campaigns. To qualify for a grant, a candidate must qualify to have his or her name appear on the general or spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. In addition, a candidate for a partisan office at the general election must receive at least 6 percent of the total vote cast on all ballots at the September primary election, and a candidate for a partisan office at a special election must either represent a political party whose candidate for the office that the candidate seeks received at least 6 percent of the total vote cast for that office at the most recent general election at which the office

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JRB-0901/2

JTK wlj&cjs:rs

ASSEMBLY BILL 355

SECTION 11

1 primary if a special primary is held, must receive at least 6% 1 percent of all votes
2 cast on all ballots for the office for which he or she is a candidate, in addition to other
3 requirements.

4 SECTION 12. 10.06 (1) (e) of the statutes is amended to read:

5 10.06 (1) (e) As soon as possible following the state canvass of the spring
6 primary vote, but no later than the first Tuesday in March, the board shall send a
7 type B notice certifying to each county clerk the list of candidates for the spring
8 election. When no state spring primary is held or when the only primary held is the
9 presidential preference primary, this notice shall be sent under par. (c). The board
10 shall also in any case send a certified list of candidates under s. ~~44-50~~ 11.51 to the
11 state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board
12 shall send type A and C notices certifying each question to the county clerks as soon
13 as possible, but no later than the first Tuesday in March.

14 SECTION 13. 10.06 (1) (i) of the statutes is amended to read:

15 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
16 4th Tuesday in September, the board shall send a type B notice certifying the list of
17 candidates and type A and C notices certifying each question for any referendum to
18 each county clerk for the general election and a certified list of candidates under s.
19 ~~44-50~~ 11.51 to the state treasurer pursuant to s. 7.08 (2) (c).

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

21 11.01 (4m) "Communication" means a message transmitted by means of a
22 printed advertisement, billboard, handbill, sample ballot, radio or television
23 advertisement, telephone call, or any medium that may be utilized for the purpose
24 of disseminating or broadcasting a message, but not including a poll conducted solely

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LRB-0901/2
JTK:wj&cjs:rs
SECTION 14

ASSEMBLY BILL 355

1 for the purpose of identifying or collecting data concerning the attitudes or
2 preferences of electors.

3 SECTION 15. 11.01 (16) (a) 3. of the statutes is created to read:

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

13 SECTION 16. 11.05 (3) (s) of the statutes is created to read:

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

19 SECTION 17. 11.06 (1) (a) of the statutes is amended to read:

20 11.06 (1) (a) An Except as required under s. 11.51 (2), an itemized statement
21 giving the date, full name and street address of each contributor who has made a
22 contribution in excess of \$20, or whose contribution if \$20 or less aggregates more
23 than \$20 for the calendar year, together with the amount of the contribution and the
24 cumulative total contributions made by that contributor for the calendar year.

25 SECTION 18. 11.06 (1) (g) of the statutes is amended to read:

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LRB-2715/2
JTK&JK:cs,ls

2007 ASSEMBLY BILL 704

January 18, 2008 -- Introduced by Representatives SMITH, SOLETSKI, HILGENBERG, POPE-ROBERTS, BOYLE, BERCEAU and MUSSER, cosponsored by Senator VINEHOUT. Referred to Committee on Elections and Constitutional Law.

1 AN ACT *to repeal* 11.31 (3m), 11.50 (4) (a), 11.50 (4) (c) and 11.50 (4) (cm); *to*
2 *renumber and amend* 11.12 (6); *to amend* 5.02 (18), 5.62 (5), 7.08 (2) (c) and
3 (cm), 7.70 (3) (e) 1., 8.16 (1), 8.16 (5), 8.35 (4) (a) 1. a. and b., 8.35 (4) (b), 8.50
4 (1) (d), 8.50 (3) (b), 10.02 (3) (b) 2m., 10.06 (1) (e), 10.06 (1) (j), 11.06 (1) (a), 11.06
5 (1) (g), 11.06 (1) (jm), 11.06 (2), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b), 11.31 (1)
6 (intro.), 11.31 (2m), 11.31 (4), 11.38 (6), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (2)
7 (b) 5., 11.50 (3) (a) 1., 11.50 (3) (a) 2., 11.50 (3) (b), 11.50 (4) (intro.) and chapter
8 77 (title); *to repeal and recreate* 14.58 (20); and *to create* 11.01 (4m), 11.01
9 (16) (a) 3., 11.05 (3) (s), 11.12 (6) (b), 11.31 (9), 11.51, 20.511 (1) (r), 20.855 (4)
10 (ba), 20.855 (4) (bb), 25.17 (1) (aw), 25.421 and subchapter XIV of chapter 77
11 [precedes 77.998] of the statutes; **relating to:** the scope of regulated activity
12 under the campaign finance law, public financing of elections for certain state
13 offices, imposition of a lobbying expenditure tax, providing an exemption from

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ASSEMBLY BILL 704

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JJK&JK:cs/ls

1 emergency rule procedures, granting rule-making authority, providing a
2 penalty, and making appropriations.

Analysis by the Legislative Reference Bureau

Scope of regulated activity

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 that includes a reference to a candidate for state office, other than court of appeals judge, circuit judge, or district attorney, at that election, a state office, other than court of appeals judge, circuit judge, or district attorney, to be filled at that election, or a political party. The bill also requires an individual who or organization that 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.

Public financing of elections for certain state offices

Currently, a candidate for state office other than court of appeals judge, circuit judge, or district attorney may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign. No funding is provided for primary campaigns. To qualify for a grant, a candidate must qualify to have his or her name appear on the general or spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. In addition, a candidate for a partisan office at the general election must receive at least 6 percent of the total vote cast on all ballots at the September primary election, and a candidate for a partisan office at a special election must either represent a political party whose candidate for the office that the candidate seeks received at least 6 percent of the total vote cast for that office at the most recent general election at which the office

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ASSEMBLY BILL 704

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LRB-27152
JTK&JK:cs/s
SECTION 11

1 special primary is held, must receive at least one percent of all votes cast on all ballots
2 for the office for which he or she is a candidate, in addition to other requirements.

3 SECTION 12. 10.06 (1) (e) of the statutes is amended to read:

4 10.06 (1) (e) As soon as possible following the state canvass of the spring
5 primary vote, but no later than the first Tuesday in March, the board shall send a
6 type B notice certifying to each county clerk the list of candidates for the spring
7 election. When no state spring primary is held or when the only primary held is the
8 presidential preference primary, this notice shall be sent under par. (c). The board
9 shall also in any case send a certified list of candidates under s. 11.50 and 11.51 to
10 the state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board
11 shall send type A and C notices certifying each question to the county clerks as soon
12 as possible, but no later than the first Tuesday in March.

13 SECTION 13. 10.06 (1) (i) of the statutes is amended to read:

14 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
15 4th Tuesday in September, the board shall send a type B notice certifying the list of
16 candidates and type A and C notices certifying each question for any referendum to
17 each county clerk for the general election and a certified list of candidates under s.
18 11.50 and 11.51 to the state treasurer pursuant to s. 7.08 (2) (c).

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

20 11.01 (4m) "Communication" means a message transmitted by means of a
21 printed advertisement, billboard, handbill, sample ballot, radio or television
22 advertisement, telephone call, or any medium that may be utilized for the purpose
23 of disseminating or broadcasting a message, but not including a poll conducted solely
24 for the purpose of identifying or collecting data concerning the attitudes or
25 preferences of electors.

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ASSEMBLY BILL 704

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JTK&JK:CS/KS
SECTION 15

1 SECTION 15. 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, other than court of appeals judge, circuit judge, or district
7 attorney, whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the
8 ballot at that election; a reference to a state office, other than court of appeals judge,
9 circuit judge, or district attorney, to be filled at that election, or a reference to a
10 political party.

11 SECTION 16. 11.05 (3) (s) of the statutes is created to read:

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

17 SECTION 17. 11.06 (1) (a) of the statutes is amended to read:

18 11.06 (1) (a) An Except as required under s. 11.51 (2), an itemized statement
19 giving the date, full name and street address of each contributor who has made a
20 contribution in excess of \$20, or whose contribution if \$20 or less aggregates more
21 than \$20 for the calendar year, together with the amount of the contribution and the
22 cumulative total contributions made by that contributor for the calendar year.

23 SECTION 18. 11.06 (1) (g) of the statutes is amended to read:

24 11.06 (1) (g) An Except as required under s. 11.51 (9), an itemized statement
25 of every disbursement exceeding \$20 in amount or value, together with the name and

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LRB-04641
JTK&MES.cs:m&jf

2007 SENATE BILL 12

January 24, 2007 - Introduced by Senators ELLIS, ERPENBACH, COWLES, CARPENTER, RISSER, LEHMAN, SCHULTZ and LASSA, cosponsored by Representatives KAUFERT, MUSSER, BOYLE, BLACK, BERGHEAU, HEBL, MOLEPSKE and HINTZ. Referred to Committee on Campaign Finance Reform, Rural Issues and Information Technology.

1 AN ACT *to repeal* 11.01 (12s), 11.01 (17g) and (17r), 11.05 (3) (o), 11.06 (3r), 11.06
2 (3w), 11.21 (17), 11.265, 11.31 (2m), 11.50 (2) (i), 11.50 (3) and 11.50 (4); *to*
3 *renumber* 11.24 (2), 11.50 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and*
4 *amend* 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (10), 11.50 (5) and 11.50
5 (9); *to amend* 5.02 (13), 7.08 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b.,
6 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (title), 11.05
7 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.),
8 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1),
9 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2),
10 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20
11 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1)
12 (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26 (9)
13 (b), 11.30 (4), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2),
14 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50

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LRB-046171
JTK&MES cs,oo&jf

SENATE BILL 12

1 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (5) (title), 11.50 (6), 11.50 (9) (title), 11.50
2 (11) (e), 11.50 (13), 11.60 (4), 11.61 (1) (a), 20.510 (1) (q), 25.42 and 71.10 (3) (a)
3 and (b); *to repeal and recreate* 11.05 (9) (title); and *to create* 7.08 (2) (cs),
4 11.001 (2m), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3)
5 (r), 11.05 (3) (s), 11.05 (5r), 11.06 (2m) (title), 11.06 (2m) (b) to (d), 11.12 (2m),
6 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.24 (4), 11.26 (2) (ad), 11.26 (2) (am),
7 11.26 (2) (au), 11.26 (8m), 11.26 (10) (b), 11.31 (1) (de), 11.31 (3p), 11.31 (9), 11.50
8 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50
9 (1) (e), 11.50 (2) (bm), 11.50 (2s), 11.50 (2w), 11.50 (4e), 11.50 (5) (b) (c), 11.50 (9)
10 (ba) and (bb), 11.50 (14), 11.60 (3s) and (3u), 20.855 (4) (ba), 71.07 (6n), 71.10
11 (4) (ds) and 806.041 of the statutes; **relating** to: campaign financing,
12 designations for the Wisconsin election campaign fund by individuals filing
13 state income tax returns, creating a nonrefundable individual income tax credit
14 for contributions to the Public Integrity Endowment, candidate time on public
15 broadcasting television stations and public access channels, statewide voter
16 registration, staffing of the Elections Board, providing exemptions from
17 emergency rule procedures, granting rule-making authority, providing
18 penalties, and making appropriations.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the income tax laws, the lobbying regulation law, and the staffing of the Elections Board.

FILING OF CAMPAIGN FINANCE REPORTS

Exemptions from registration and reporting

Currently, with certain limited exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes or transfers disbursements (expenditures), or incurs obligations, in connection with one or more elections for

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LRB-01641
JFK&MFS(es,m)&J

SENATE BILL 12

calendar year with respect to an election for state office, and does not accept contributions, other than contributions made by a candidate to his or her own campaign, exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations independently of any candidate with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

Mass media activities

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 at that election, an 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.

Special reporting by certain registrants

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 14th day prior to the primary or election. Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the Elections Board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary

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LRB-046411
JFK&MFS (s.m&jf)
SECTION 6

1 manner required under s. 11.21 (16), if applicable The appointed candidate shall
2 include any transferred funds moneys in his or her first report.

3 SECTION 7. 11.001 (2m) of the statutes is created to read:

4 11.001 (2m) The legislature finds a compelling justification for minimal
5 disclosure of all communications made near the time of an election that include a
6 reference to a clearly identified candidate at that election, an office to be filled at that
7 election, or a political party in order to permit increased funding for candidates who
8 are affected by those communications. The legislature finds that this minimal
9 disclosure burden is outweighed by the need to establish an effective funding
10 mechanism for affected candidates to effectively respond to communications that
11 may impact an election.

12 SECTION 8. 11.01 (12s) of the statutes is repealed.

13 SECTION 9. 11.01 (16) (a) 3. of the statutes is created to read:

14 11.01 (16) (a) 3. A communication that is made by means of one or more
15 communications media, other than a communication that is exempt from reporting
16 under s. 11.29, that is made during the period beginning on the 60th day preceding
17 an election and ending on the date of that election, and that includes a reference to
18 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
19 the ballot at that election, a reference to an office to be filled at that election, or a
20 reference to a political party.

21 SECTION 10. 11.01 (17g) and (17r) of the statutes are repealed.

22 SECTION 11. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
23 to read:

24 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
25 a personal campaign committee, ~~and every political group subject to a registration~~

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LRB-210071
DKWlj&cjs jf

2007 SENATE BILL 182

May 14, 2007 – Introduced by Senators RISSEK, HANSEN, LASSA, LEHMAN, MILLER, SULLIVAN and WIRCH, cosponsored by Representatives POCAN, BERCEAU, BLACK, BOYLE, GARTHWAITE, HIEBL, HINTZ, PARISI, POPE-ROBERTS, SEIDEL, SINICKI, SMITH, TRAVIS, TURNER and ZEPNICK. Referred to Committee on Campaign Finance Reform, Rural Issues and Information Technology.

1 AN ACT *to repeal* 11.21 (15), 11.26 (9) (c), 11.26 (10), 11.26 (13), 11.31 (2) and (2m),
2 11.31 (3), 11.31 (3m), 11.31 (6), 11.50, 20.855 (4) (b), 25.17 (1) (ys) and 71.10 (3);
3 *to renumber and amend* 11.12 (6); *to amend* 5.02 (18), 5.62 (5), 7.08 (2) (c)
4 and (cm), 7.70 (3) (e) 1., 8.16 (1), 8.16 (5), 8.35 (4) (a) 1. a. and b., 8.35 (4) (b), 8.50
5 (1) (d), 8.50 (3) (b), 10.02 (3) (b) 2m., 10.06 (1) (e), 10.06 (1) (i), 11.06 (1) (a), 11.06
6 (1) (g), 11.06 (1) (jm), 11.06 (2), 11.16 (5), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b),
7 11.26 (17) (a), 11.31 (title), 11.31 (1) (intro.), 11.31 (4), 11.31 (7) (b), 11.31 (7) (c),
8 11.31 (8), 11.31 (10), 11.38 (6), 14.58 (20) and 14.58 (20); *to repeal and*
9 *recreate* 20.510 (1) (q), 20.511 (1) (q) and 25.42. and *to create* 11.01 (4m), 11.01
10 (16) (a) 3., 11.05 (3) (s), 11.12 (6) (b), 11.31 (9), 11.51, 20.855 (4) (ba) and 25.17
11 (1) (aw) of the statutes; **relating to:** the scope of regulated activity under the
12 campaign finance law, public financing of elections for certain state offices.

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1 providing an exemption from emergency rule procedures, granting
2 rule-making authority, providing a penalty, and making appropriations.

Analysis by the Legislative Reference Bureau

Scope of regulated activity

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 that includes a reference to a candidate for state office, other than court of appeals judge, circuit judge, or district attorney, at that election, a state office, other than court of appeals judge, circuit judge, or district attorney, to be filled at that election, or a political party. The bill also requires an individual who or organization that 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.

Public financing of elections for certain state offices

Currently, a candidate for state office other than court of appeals judge, circuit judge, or district attorney may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign. No funding is provided for primary campaigns. To qualify for a grant, a candidate must qualify to have his or her name appear on the general or spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. In addition, a candidate for a partisan office at the general election must receive at least 6 percent of the total vote cast on all ballots at the September primary election, and a candidate for a partisan office at a special election must either represent a political party whose candidate for the office that the candidate seeks received at least 6 percent of the total vote cast for that office at the most recent general election at which the office

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SECTION 11

1 primary, if a special primary is held, must receive at least ~~6%~~ 1 percent of all votes
2 cast on all ballots for the office for which he or she is a candidate, in addition to other
3 requirements.

4 SECTION 12. 10.06 (1) (e) of the statutes is amended to read:

5 10.06 (1) (e) As soon as possible following the state canvass of the spring
6 primary vote, but no later than the first Tuesday in March, the board shall send a
7 type B notice certifying to each county clerk the list of candidates for the spring
8 election. When no state spring primary is held or when the only primary held is the
9 presidential preference primary, this notice shall be sent under par. (c). The board
10 shall also in any case send a certified list of candidates under s. ~~11.50~~ 11.51 to the
11 state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board
12 shall send type A and C notices certifying each question to the county clerks as soon
13 as possible, but no later than the first Tuesday in March.

14 SECTION 13. 10.06 (1) (i) of the statutes is amended to read:

15 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
16 4th Tuesday in September, the board shall send a type B notice certifying the list of
17 candidates and type A and C notices certifying each question for any referendum to
18 each county clerk for the general election and a certified list of candidates under s.
19 ~~11.50~~ 11.51 to the state treasurer pursuant to s. 7.08 (2) (c).

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

21 11.01 (4m) "Communication" means a message transmitted by means of a
22 printed advertisement, billboard handbill, sample ballot, radio or television
23 advertisement, telephone call, or any medium that may be utilized for the purpose
24 of disseminating or broadcasting a message, but not including a poll conducted solely

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SECTION 14

1 for the purpose of identifying or collecting data concerning the attitudes or
2 preferences of electors.

3 SECTION 15. 11.01 (16) (a) 3. of the statutes is created to read:

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

13 SECTION 16. 11.05 (3) (s) of the statutes is created to read:

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

19 SECTION 17. 11.06 (1) (a) of the statutes is amended to read:

20 11.06 (1) (a) ~~AA~~ Except as required under s. 11.51 (2), an itemized statement
21 giving the date, full name and street address of each contributor who has made a
22 contribution in excess of \$20, or whose contribution if \$20 or less aggregates more
23 than \$20 for the calendar year, together with the amount of the contribution and the
24 cumulative total contributions made by that contributor for the calendar year.

25 SECTION 18. 11.06 (1) (g) of the statutes is amended to read:

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2007 SENATE BILL 463

February 7, 2008 – Introduced by Senators ERPENBACH, KREITLOW, ELLIS, LEHMAN, WIRCH, RISSER, COWLES and CARPENTER, 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., 11.05 (3) (s) and 11.38
2 (2m) of the statutes; **relating to:** the scope of regulated activity under the
3 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. Currently, with limited exceptions, a corporation or cooperative association is prohibited from making any contribution or disbursement for the purpose of influencing an election for state or local office.

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 that includes a reference to a candidate at that election, an 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

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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 bill also creates an exception to the current prohibition on disbursements by corporations and cooperatives which permits a corporation or cooperative to make a disbursement for the purpose of making a communication within 60 days of an election by means of communications media that includes a reference to a candidate at that election, an office to be filled at that election, or a political party unless the communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a candidate for state or local office whose name is certified to appear on the ballot at the election. Under the bill, a corporation or cooperative making any such communication is subject to applicable registration and reporting requirements. The exception applies only if the communication: 1) does not mention an election, candidacy, opposing candidate, political party, or voting by the general public; and 2) does not take a position on a candidate's or officeholder's character, qualifications, or fitness for office, and either a) focuses on a legislative or executive matter or issue and urges a candidate to take a particular position or action with respect to the matter or issue or urges the public to contact a candidate with respect to the matter or issue, or b) proposes a commercial transaction, such as the purchase of a book, video, or other product or service.

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.

Violators of registration and reporting requirements are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. In addition, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Intentional violators of the registration requirements and persons who intentionally file false reports or statements may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation does not exceed \$100 in amount or value, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both, if the violation exceeds \$100 in amount or value.

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

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SECTION 1

1 under s. 11.29, that is made during the period beginning on the 60th day preceding
2 an election and ending on the date of that election, and that includes a reference to
3 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
4 the ballot at that election, a reference to an office to be filled at that election, or a
5 reference to a political party.

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

7 11.05 (3) (s) In the case of a registrant that has made a communication
8 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
9 11.06 (1) with respect to any obligation to make a disbursement incurred or any
10 disbursement made for the purpose of making such a communication prior to
11 registration.

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

13 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
14 sub. (1), if a disbursement is made or obligation incurred by an individual other than
15 a candidate or by a committee or group which is not primarily organized for political
16 purposes, ~~and the disbursement does not constitute a contribution to any candidate~~
17 ~~or other individual, committee, or group, and the disbursement is not made or the~~
18 ~~obligation is not incurred for the purpose of making a communication specified in s.~~
19 ~~11.01 (16) (a) 3.,~~ the disbursement or obligation is required to be reported only if the
20 purpose is to expressly advocate the election or defeat of a clearly identified
21 candidate or the adoption or rejection of a referendum. The exemption provided by
22 this subsection shall in no case be construed to apply to a political party, legislative
23 campaign, personal campaign or support committee.

24 SECTION 4. 11.38 (2m) of the statutes is created to read:

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1 11.38 (2m) (a) Notwithstanding sub. (1) (a) 1., a corporation or association
2 specified in sub. (1) (a) 1. may make a disbursement that is authorized under par. (b)
3 for the purpose of making a communication specified in s. 11.01 (16) (a) 3. unless the
4 communication is susceptible of no reasonable interpretation other than as an
5 appeal to vote for or against a candidate whose name is certified under s. 7.08 (2) (a)
6 or 8.50 (1) (d) to appear on the ballot at an election.

7 (b) A disbursement is permitted under par. (a) if the communication:

8 1. Does not mention an election, candidacy, opposing candidate, political party,
9 or voting by the general public; and

10 2. Does not take a position on a candidate's or officeholder's character,
11 qualifications, or fitness for office; and either:

12 a. Focuses on a legislative or executive matter or issue and urges a candidate
13 to take a particular position or action with respect to the matter or issue or urges the
14 public to contact a candidate with respect to the matter or issue; or

15 b. Proposes a commercial transaction, such as the purchase of a book, video, or
16 other product or service.

17 (c) A corporation that makes a disbursement under par. (a) is subject to
18 applicable registration requirements under s. 11.05 (1) and reporting requirements
19 under s. 11.06 (1).

20 **SECTION 5. Initial applicability.**

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

24 (END)



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SENATE AMENDMENT 6,
TO 2009 SENATE BILL 40

November 5, 2009 – Offered by Senator ELLIS.

1 At the locations indicated, amend the bill as follows:

2 I. Page 4, line 15: after that line insert:

3 SECTION 1g. 11.001 (1m) of the statutes is created to read:

4 11.001 (1m) The legislature finds and declares that the function of judges and
5 justices, who must independently apply the law, is fundamentally distinct from that
6 of elective legislative and executive branch officials who take positions on issues that
7 are influenced by, and represent the will of, their constituencies. The legislature
8 therefore finds that because it is improper for a mass communication to seek to
9 persuade a judge or justice to take a position on an issue, any such communication
10 should be deemed to have been made for a political purpose.

11 SECTION 1r. 11.01 (16) (a) 4. of the statutes is created to read:

12 11.01 (16) (a) 4. A mass communication that refers to a judicial office and either
13 focuses on and takes a position for or against a judicial candidate's position on an

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1 issue or takes a position on that judicial candidate's character, qualifications, or
2 fitness for office.”.

3 2. Page 7, line 9: after that line insert:

4 “SECTION 13m. 11.38 (1m) of the statutes is created to read:

5 11.38 (1m) No corporation or association specified in sub. (1) (a) 1. may make
6 a disbursement for the purpose of making a mass communication that is made by
7 means of one or more communications media, other than a communication that is
8 exempt from reporting under s. 11.29, and that refers to a judicial office and either
9 focuses on and takes a position for or against a judicial candidate's position on an
10 issue or takes a position on that judicial candidate's character, qualifications, or
11 fitness for office.”.

12 (END)

