



2013 SENATE BILL 654

March 3, 2014 – Introduced by Senators LAZICH and S. FITZGERALD. Referred to Elections and Urban Affairs.

1 **AN ACT** *to renumber and amend* 11.01 (16) (b); *to amend* 11.01 (16) (intro.) and
2 11.01 (16) (a) (intro.); *to repeal and recreate* 11.01 (16) (a) 1.; and *to create*
3 11.01 (16) (b) 1. of the statutes; **relating to:** disclosure of political activity.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, 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 required to register with the appropriate filing officer or agency and to file financial reports with that officer or agency, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed. Currently, in the case of a committee or group that is organized primarily for the purpose of influencing the election or nomination for election of any individual to state or local office, for the purpose of influencing the recall from or retention in office of an individual holding a state or local office, or for the purpose of influencing a particular vote in a referendum, all administrative and overhead expenses for the maintenance of an office or staff that are used principally for any such purpose are deemed to be for a political purpose.

This bill provides that registration and reporting requirements apply to any communication that contains certain explicit terms with reference to a clearly identified candidate that expressly advocates the election or defeat of that candidate and unambiguously relates to that candidate. The bill also provides that these requirements do not apply to an expenditure made by an individual other than a

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candidate, or by an organization that is not organized exclusively for a political purpose if the expenditure does not expressly advocate for the election or defeat of a clearly identified candidate or the adoption or rejection of a question at a referendum. In addition, under the bill, administrative and overhead expenses by a committee or group are deemed to be for a political purpose only if the committee or group is organized exclusively for the purpose of influencing an election or nomination, a recall or retention in office, or a particular referendum vote. The change in the scope of reportable activity under the bill also affects contribution limitations and prohibitions by causing the term “contribution” to exclude the cost of any communication that is not reportable under the bill.

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

1 **SECTION 1.** 11.01 (16) (intro.) of the statutes is amended to read:

2 11.01 (16) (intro.) An act is for “political purposes” when it is done for the
3 purpose of influencing the election or nomination for election of any individual to
4 state or local office, for the purpose of influencing the recall from or retention in office
5 of an individual holding a state or local office, for the purpose of payment of expenses
6 incurred as a result of a recount at an election, or for the purpose of influencing a
7 particular vote at a referendum, except as provided in par. (b). In the case of a
8 candidate, or a committee or group which is organized ~~primarily~~ exclusively for the
9 purpose of influencing the election or nomination for election of any individual to
10 state or local office, for the purpose of influencing the recall from or retention in office
11 of an individual holding a state or local office, or for the purpose of influencing a
12 particular vote at a referendum, all administrative and overhead expenses for the
13 maintenance of an office or staff which are used principally for any such purpose are
14 deemed to be for a political purpose.

15 **SECTION 2.** 11.01 (16) (a) (intro.) of the statutes is amended to read:

16 11.01 (16) (a) (intro.) Acts which are for “political purposes” include ~~but are not~~
17 ~~limited to:~~

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

2 11.01 (16) (a) 1. The making of a communication that contains one or more
3 terms such as the following or their functional equivalents with reference to a clearly
4 identified candidate that expressly advocates the election or defeat of that candidate
5 and that unambiguously relates to the campaign of that candidate:

6 a. “Vote for.”

7 b. “Elect.”

8 c. “Support.”

9 d. “Cast your ballot for.”

10 e. “Smith for Assembly.”

11 f. “Vote against.”

12 g. “Defeat.”

13 h. “Reject.”

14 **SECTION 4.** 11.01 (16) (b) of the statutes renumbered 11.01 (16) (b) (intro.) and
15 is amended to read:

16 11.01 (16) (b) (intro.) A “political purpose” does not include expenditures:

17 2. An expenditure made for the purpose of supporting or defending a person
18 who is being investigated for, charged with or convicted of a criminal violation of state
19 or federal law, or an agent or dependent of such a person.

20 **SECTION 5.** 11.01 (16) (b) 1. of the statutes is created to read:

21 11.01 (16) (b) 1. An expenditure made by an individual other than a candidate,
22 or by an organization that is not organized exclusively for a purpose specified in sub.
23 (16) (intro.) if the expenditure does not expressly advocate for the election or defeat
24 of a clearly identified candidate or the adoption or rejection of a question at a
25 referendum.

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SECTION 6

1 **SECTION 6. Initial applicability.**

2 (1) The treatment of section 11.01 (16) (intro.) and (b) 1. of the statutes first
3 applies with respect to expenditures made on the effective date of this subsection.

4 **(END)**