



2013 SENATE BILL 655

1 **AN ACT** *to amend* 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (12) (b), 11.07 (1), 11.12
2 (5), 11.12 (6), 11.21 (16), 11.23 (1), 11.26 (9) (a), 11.26 (9) (b), 11.30 (4), 11.38 (1)
3 (a) 3. and 13.625 (1) (c) (intro.); and *to create* 11.01 (6) (b) 8. and 9., 11.01 (7)
4 (a) 5. to 7., 11.01 (7) (b) 6. to 8., 11.01 (12m), 11.05 (3) (q), 11.06 (11) (d), 11.06
5 (13) and 11.185 of the statutes; **relating to:** various changes in the campaign
6 finance and lobbying laws.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 11.01 (6) (b) 8. and 9. of the statutes are created to read:
8 11.01 (6) (b) 8. Any cost incurred to conduct Internet activity for a political
9 purpose by an individual acting in his or her own behalf, or acting in behalf of another
10 person if the individual is not compensated specifically for those services, including

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1 the cost or value of any equipment and services identified in s. 11.06 (13), but not
2 including professional video production services purchased by the individual.

3 9. Any cost incurred for covering or carrying a news story, commentary, or
4 editorial by a broadcasting station, cable television operator, producer, or
5 programmer, Internet site, or newspaper or other periodical publication, including
6 an Internet or other electronic publication except the cost of a news story that
7 appears in a medium that is owned or controlled by a candidate, personal campaign
8 committee of a candidate, support committee of a candidate that is authorized under
9 s. 11.05 (3) (p), or a political party.

10 **SECTION 2.** 11.01 (7) (a) 5. to 7. of the statutes are created to read:

11 11.01 (7) (a) 5. Any payment for a communication to the general public for a
12 political purpose by means of any broadcast, satellite communication, newspaper or
13 other periodical publication, outdoor advertising facility, mass mailing, or mass
14 telephoning to the general public, or any other form of advertising to the general
15 public, except communications over the Internet by an individual acting in his or her
16 own behalf, or acting in behalf of another person if the individual is not compensated
17 specifically for those services, including the cost or value of any equipment and
18 services identified in s. 11.06 (13).

19 6. Any payment for the purchase or rental of an electronic-mail address list
20 made at the direction of a registrant for a political purpose.

21 7. Any payment for an electronic-mail address list that is transferred to a
22 registrant for a political purpose.

23 **SECTION 3.** 11.01 (7) (b) 6. to 8. of the statutes are created to read:

24 11.01 (7) (b) 6. A communication or Internet activity by an individual acting
25 in his or her own behalf, or acting in behalf of another person if the individual is not

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1 compensated specifically for those services, including the cost or value of any
2 equipment and services identified in s. 11.06 (13), but not including professional
3 video production services purchased by the individual.

4 7. Any cost incurred in covering or carrying a news story, commentary, or
5 editorial by a broadcasting station, cable television operator, programmer or
6 producer, Internet site, or newspaper or other periodical publication, including an
7 Internet or electronic publication, except the cost of a news story that appears in a
8 medium that is owned or controlled by a candidate, personal campaign committee
9 of a candidate, support committee of a candidate that is authorized under s. 11.05 (3)
10 (p), or a political party.

11 8. A nominal fee paid for a communication to the general public.

12 **SECTION 4.** 11.01 (12m) of the statutes is created to read:

13 11.01 (**12m**) “Internet activity” includes sending or forwarding an electronic
14 message; providing a hyperlink or other direct access on a person’s Internet site to
15 an Internet site operated by another person; blogging; creating, maintaining, or
16 hosting an Internet site; payment by a person of a nominal fee for the use of an
17 Internet site operated by another person; or any other form of communication
18 distributed over the Internet.

19 **SECTION 5.** 11.05 (1) of the statutes is amended to read:

20 11.05 (**1**) COMMITTEES AND GROUPS. Except as provided in s. 9.10 (2) (d), every
21 committee other than a personal campaign committee which makes or accepts
22 contributions, incurs obligations, or makes disbursements in a calendar year in an
23 aggregate amount in excess of ~~\$25~~ \$300, and every political group subject to
24 registration under s. 11.23 shall file a statement with the appropriate filing officer
25 giving the information required by sub. (3). In the case of any committee other than

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1 a personal campaign committee, the statement shall be filed by the treasurer. A
2 personal campaign committee shall register under sub. (2g) or (2r).

3 **SECTION 6.** 11.05 (2) of the statutes is amended to read:

4 11.05 (2) INDIVIDUALS. Except as provided in s. 9.10 (2) (d), every individual,
5 other than a candidate or agent of a candidate, who accepts contributions, incurs
6 obligations, or makes disbursements in a calendar year in an aggregate amount in
7 excess of ~~\$25~~ \$300 to support or oppose the election or nomination of a candidate at
8 an election and every individual subject to registration under s. 11.23 shall file a
9 statement with the appropriate filing officer giving the information required by sub.
10 (3). An individual who guarantees a loan on which an individual, committee or group
11 subject to a registration requirement defaults is not subject to registration under this
12 subsection solely as a result of such default.

13 **SECTION 7.** 11.05 (2r) of the statutes is amended to read:

14 11.05 (2r) GENERAL REPORTING EXEMPTIONS. Any committee, group, or
15 individual, other than a committee or individual required to file an oath under s.
16 11.06 (7), who or which does not anticipate accepting contributions, making
17 disbursements or incurring obligations in an aggregate amount in excess of \$1,000
18 in a calendar year and does not anticipate accepting any contribution or
19 contributions from a single source, other than contributions made by a candidate to
20 his or her own campaign, exceeding \$100 in that year, or exceeding ~~\$750~~ \$2,500 in
21 that year for a group or individual subject to registration under s. 11.23, may indicate
22 on its registration statement that the committee, group, or individual will not accept
23 contributions, incur obligations or make disbursements in the aggregate in excess
24 of \$1,000 in any calendar year and will not accept any contribution or contributions
25 from a single source, other than contributions made by a candidate to his or her own

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1 campaign, exceeding \$100 in that year, or exceeding ~~\$750~~ \$2,500 in that year for a
2 group or individual subject to registration under s. 11.23. Any registrant making
3 such an indication is not subject to any filing requirement if the statement is true.
4 The registrant need not file a termination report. A registrant not making such an
5 indication on a registration statement is subject to a filing requirement. The
6 indication may be revoked and the registrant is then subject to a filing requirement
7 as of the date of revocation, or the date that aggregate contributions, disbursements
8 or obligations for the calendar year exceed \$1,000, or the date on which the registrant
9 accepts any contribution or contributions exceeding \$100 from a single source, or
10 exceeding ~~\$750~~ \$2,500 from a single source for a group or individual subject to
11 registration under s. 11.23, other than contributions made by a candidate to his or
12 her own campaign, during that year, whichever is earlier. If the revocation is not
13 timely, the registrant violates s. 11.27 (1).

14 **SECTION 8.** 11.05 (3) (q) of the statutes is created to read:

15 11.05 (3) (q) In the case of a conduit, the name and mailing address of a sponsor,
16 as defined in s. 11.185 (1), to which contributions may be redirected as provided
17 under s. 11.185.

18 **SECTION 9.** 11.05 (12) (b) of the statutes is amended to read:

19 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or
20 individual that becomes subject to a registration requirement under sub. (1) or (2),
21 other than a candidate or agent of a candidate, shall comply with sub. (1) or (2) no
22 later than the 5th business day commencing after receipt of the first contribution by
23 the committee, group or individual exceeding the amount specified under sub. (1) or
24 (2) or s. 11.23 (1), and before making any disbursement exceeding that amount. No
25 committee ~~or individual~~ supporting or opposing the election or nomination of a

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1 candidate at an election, other than ~~a candidate or~~ an agent of a candidate, may
2 accept any contribution or contributions exceeding ~~\$25~~ \$300, ~~no individual~~
3 supporting or opposing the election or nomination of a candidate at an election, other
4 than a candidate or agent of a candidate, may accept any contribution or
5 contributions exceeding \$300, and no group or individual subject to registration
6 under s. 11.23 may accept any contribution or contributions exceeding ~~\$750~~ \$2,500,
7 in the aggregate during a calendar year at any time when the committee, group or
8 individual is not registered under this section except within the initial 5-day period
9 authorized by this paragraph.

10 **SECTION 10.** 11.06 (11) (d) of the statutes is created to read:

11 11.06 (11) (d) A conduit shall include in each report under s. 11.12 (5) or 11.20
12 whether, during the reporting period, any contribution was redirected to a sponsor
13 as permitted under s. 11.185.

14 **SECTION 11.** 11.06 (13) of the statutes is created to read:

15 11.06 (13) INTERNET ACTIVITY. (a) In this subsection, “equipment and services”
16 includes computers, software, Internet domain names, Internet service providers,
17 and any other technology that is used to provide access to or use of the Internet.

18 (b) If an individual conducts Internet activity for a political purpose in his or
19 her own behalf or in behalf of another person and is not compensated specifically for
20 those services, the cost or value of any equipment and services used by the individual
21 to conduct the activity, other than professional video production services purchased
22 by the individual, is not a contribution to the registrant as provided in s. 11.01 (6) (b)
23 8., regardless of who owns the equipment and services.

24 **SECTION 12.** 11.07 (1) of the statutes is amended to read:

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1 11.07 (1) Every nonresident committee making contributions and every
2 nonresident individual ~~or~~ committee making disbursements to support or oppose the
3 election or nomination of a candidate at an election exceeding ~~\$25~~ \$300 cumulatively
4 in a calendar year within this state, every nonresident individual making
5 disbursements to support or oppose the election or nomination of a candidate at an
6 election exceeding \$300 cumulatively in a calendar year within this state, and every
7 nonresident group making contributions and every nonresident group or individual
8 making disbursements to support or oppose a particular vote at a referendum
9 exceeding ~~\$750~~ \$2,500 cumulatively in a calendar year within this state, shall file
10 name, mailing and street address and the name and the mailing and street address
11 of a designated agent within the state with the office of the secretary of state. An
12 agent may be any adult individual who is a resident of this state. After any change
13 in the name or address of such agent the new address or name of the successor agent
14 shall be filed within 30 days. Service of process in any proceeding under this chapter
15 or ch. 12, or service of any other notice or demand may be made upon such agent.

16 **SECTION 13.** 11.12 (5) of the statutes is amended to read:

17 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
18 received by a candidate for state office or by a committee or individual from a single
19 contributor later than 15 days prior to a primary or election such that it is not
20 included in the preprimary or preelection report submitted under s. 11.20 (3), the
21 treasurer of the committee or the individual receiving the contribution shall within
22 ~~24~~ 48 hours of receipt inform the appropriate filing officer of the information required
23 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
24 also be included in the treasurer's or individual's next regular report. For purposes
25 of the reporting requirement under this subsection, only contributions received

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1 during the period beginning with the day after the last date covered on the
2 preprimary or preelection report, and ending with the day before the primary or
3 election need be reported.

4 **SECTION 14.** 11.12 (6) of the statutes is amended to read:

5 11.12 (6) If any disbursement of more than \$20 cumulatively is made to
6 advocate the election or defeat of a clearly identified candidate by an individual or
7 committee later than 15 days prior to a primary or election in which the candidate's
8 name appears on the ballot without cooperation or consultation with a candidate or
9 agent or authorized committee of a candidate who is supported or opposed, and not
10 in concert with or at the request or suggestion of such a candidate, agent or
11 committee, but such that the disbursement is not included in a preprimary or
12 preelection report submitted under s. 11.20 (3), the individual or treasurer of the
13 committee shall, within 24 ~~48~~ hours of making the disbursement, inform the
14 appropriate filing officer of the information required under s. 11.06 (1) in such
15 manner as the board may prescribe. The information shall also be included in the
16 next regular report of the individual or committee under s. 11.20. For purposes of
17 this subsection, disbursements cumulate beginning with the day after the last date
18 covered on the preprimary or preelection report and ending with the day before the
19 primary or election. Upon receipt of a report under this subsection, the filing officer
20 shall, within 24 hours of receipt, mail a copy of the report to all candidates for any
21 office in support of or opposition to one of whom a disbursement identified in the
22 report is made.

23 **SECTION 15.** 11.185 of the statutes is created to read:

24 **11.185 Redirection of contributions made to conduits.** (1) In this
25 section, "sponsor" means a committee, including a support committee, political party

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1 committee, legislative campaign committee, and special interest committee, but
2 excluding a personal campaign committee, that is associated with a conduit.

3 (2) A conduit may redirect any contribution received from an individual or
4 organization to a sponsor or, if there is no sponsor, to an administrative fund of the
5 conduit if all of the following apply:

6 (a) The conduit has held the contribution for at least 24 consecutive months,
7 including the 24 months immediately preceding the effective date of this paragraph
8 [LRB inserts date], over which time the individual or organization that made the
9 contribution has made no contact with the conduit.

10 (b) Either of the following apply:

11 1. The conduit has, over the 24-month period described in par. (a), attempted
12 in good faith to contact the individual or organization that made the contribution at
13 least 10 times, and has documented each such attempt, but has been unable to make
14 contact with the individual or organization. A conduit may satisfy the requirement
15 to contact the individual or organization by telephoning the individual or
16 organization at the last-known telephone number; by sending a text message to the
17 individual or organization at the last-known cellular telephone number or pager
18 number capable of receiving text messages; by sending a facsimile transmission to
19 the individual or organization at the last-known facsimile transmission number; by
20 sending a letter or postcard to the individual or organization by U.S. mail; by sending
21 a message by electronic mail; or by any combination of the foregoing. A conduit may
22 not satisfy the requirement to attempt in good faith to contact the individual or
23 organization at least 10 times if all 10 attempted contacts occur within a period of
24 30 consecutive days.

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1 2. The surviving spouse or executor of the estate of a deceased individual that
2 made the contribution authorizes the redirection of the contribution.

3 **(3)** If a conduit redirects a contribution under this section, the conduit shall
4 include in its report under s. 11.12 (5) or 11.20 for the reporting period during which
5 the contribution is redirected the information about the original contributor
6 required for reporting purposes under s. 11.06 (1) (a) and (b) for the dates on which
7 the contribution is received and redirected and whether the contribution is
8 redirected to a sponsor or to an administrative fund of the conduit.

9 **SECTION 16.** 11.21 (16) of the statutes is amended to read:

10 11.21 **(16)** Require each registrant for whom the board serves as filing officer
11 and who or which accepts contributions in a total amount or value of \$20,000 or more
12 during a campaign period to file each campaign finance report that is required to be
13 filed under this chapter in an electronic format, and accept from any other registrant
14 for whom the board serves as a filing officer any campaign finance report that is
15 required to be filed under this chapter in an electronic format. A registrant who or
16 which becomes subject to a requirement to file reports in an electronic format under
17 this subsection shall initially file the registrant's report in an electronic format for
18 the period which includes the date on which the registrant becomes subject to the
19 requirement. To facilitate implementation of this subsection, the board shall specify,
20 by rule, a type of software that is suitable for compliance with the electronic filing
21 requirement under this subsection. The software shall allow an authorized
22 individual to provide an electronic signature, as defined in s. 137.11 (8), that is
23 subject to a security procedure, as defined in s. 137.11 (13). The board shall provide
24 copies of the software to registrants at a price fixed by the board that may not exceed
25 cost. ~~Each registrant who or which files a report under this subsection in an~~

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1 ~~electronic format shall also file a copy of the report with the board that is recorded~~
2 ~~on a medium specified by the board. The copy shall be signed by an authorized~~
3 ~~individual and filed with the board by each registrant no later than the time~~
4 ~~prescribed for filing of the report under this chapter. A registrant who or which files~~
5 ~~a report under this subsection in an electronic format may file with the board that~~
6 ~~portion of the report signed by an authorized individual rather than submit the~~
7 ~~electronic signature of that individual.~~ The board shall provide complete
8 instructions to any registrant who or which files a report under this subsection. In
9 this subsection, the “campaign period” of a candidate, personal campaign committee
10 or support committee begins and ends with the “campaign” of the candidate whose
11 candidacy is supported, as defined in s. 11.26 (17), and the “campaign period” of any
12 other registrant begins on January 1 of each odd-numbered year and ends on
13 December 31 of the following year.

14 **SECTION 17.** 11.23 (1) of the statutes is amended to read:

15 11.23 (1) Any group or individual may promote or oppose a particular vote at
16 any referendum in this state. Except as authorized in s. 11.05 (12) (b) and (13), before
17 a group makes or accepts contributions, makes disbursements, or incurs obligations
18 in excess of \$750 \$2,500 in the aggregate in a calendar year for such purposes, and
19 before an individual accepts contributions, makes disbursements, or incurs
20 obligations in excess of \$750 \$2,500 in the aggregate in a calendar year for such
21 purposes, the group or individual shall file a registration statement under s. 11.05
22 (1), (2) or (2r). In the case of a group the name and mailing address of each of its
23 officers shall be given in the statement. Every group and every individual under this
24 section shall designate a campaign depository account under s. 11.14. Every group
25 shall appoint a treasurer, who may delegate authority but is jointly responsible for

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1 the actions of his or her authorized designee for purposes of civil liability under this
2 chapter. The appropriate filing officer shall be notified by a group of any change in
3 its treasurer within 10 days of the change under s. 11.05 (5). The treasurer of a group
4 shall certify the correctness of each statement or report submitted by it under this
5 chapter.

6 **SECTION 18.** 11.26 (9) (a) of the statutes is amended to read:

7 11.26 (9) (a) No individual who is a candidate for state or local office may receive
8 and accept more than 65 percent of the value of the total disbursement level
9 determined under s. 11.31 for the office for which he or she is a candidate during any
10 primary and election campaign combined from all committees subject to a filing
11 requirement, including political party and legislative campaign committees,
12 including any transfer from any personal campaign committee to another personal
13 campaign committee.

14 **SECTION 19.** 11.26 (9) (b) of the statutes is amended to read:

15 11.26 (9) (b) No individual who is a candidate for state or local office may receive
16 and accept more than 45 percent of the value of the total disbursement level
17 determined under s. 11.31 for the office for which he or she is a candidate during any
18 primary and election campaign combined from all committees other than political
19 party and legislative campaign committees subject to a filing requirement, not
20 including any transfer from any personal campaign committee to another personal
21 campaign committee.

22 **SECTION 20.** 11.30 (4) of the statutes is amended to read:

23 11.30 (4) No owner or other person with a financial interest in a
24 communications medium may utilize such medium in support of or in opposition to
25 a candidate or referendum except as provided in this chapter.

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1 **(4m)** This chapter shall not be construed to restrict fair coverage of bona fide
2 news stories, interviews with candidates and other politically active individuals,
3 editorial comment or endorsement. ~~Such activities~~ editorials by any broadcasting
4 station, cable television operator or producer, Internet site, or newspaper or other
5 periodical publication, including an Internet or electronic publication, unless the
6 communication is made by a candidate, personal campaign committee, support
7 committee of a candidate authorized under s. 11.05 (3) (p), or a political party.
8 Activities that are not restricted under this subsection are not subject to an
9 attribution requirement under sub. (2) and need not be reported as a contribution or
10 disbursement.

11 **SECTION 21m.** 11.38 (1) (a) 3. of the statutes is amended to read:

12 11.38 (1) (a) 3. No corporation or association specified in subd. 1. may annually
13 expend more than a combined total of \$500 annually for solicitation of contributions
14 to a fund established under subd. 2. or to a conduit more than the greater of \$20,000
15 or 20 percent of the amount of contributions in the previous year to the fund
16 established under subd. 2. or to a conduit.

17 **SECTION 23.** 13.625 (1) (c) (intro.) of the statutes is amended to read:

18 13.625 (1) (c) (intro.) Except as permitted in this subsection, personally make
19 a campaign contribution, as defined in s. 11.01 (6), to a partisan elective state official
20 for the purpose of promoting the official's election to any national, state, or local
21 office,; or to a candidate for a partisan elective state office to be filled at the general
22 election or a special election,; or to the official's or candidate's personal campaign
23 committee. A lobbyist may personally make a campaign contribution to a partisan
24 elective state official or candidate for partisan elective state office or ~~his or her~~ to the
25 personal campaign committee may be made of the official or candidate in the year

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1 of a candidate's election between ~~June 1~~ the first day authorized by law for the
2 circulation of nomination papers as a candidate at a general election or special
3 election and the day of the general election or special election, except that:

4 (END)