



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1469/P3
JK&TKK:.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** campaign finance.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

2 **SECTION 1.** Chapter 11 of the statutes is repealed and recreated to read:

3 **CHAPTER 11**

4 **CAMPAIGN FINANCING**

5 **SUBCHAPTER I**

6 **GENERAL PROVISIONS**

7 **11.01 Definitions.** In this chapter:

8 (1) "Candidate" means an individual who takes any of the following affirmative
9 actions to seek nomination or election to a state or local office:

1 (a) Files nomination papers with the appropriate filing officer.

2 (b) Is nominated as a candidate for state or local office by a political party or
3 convention and the nomination is certified to the appropriate filing officer.

4 (c) Receives a contribution, makes an expenditure, or gives consent for another
5 person to receive a contribution or make an expenditure in order to bring about the
6 individual's nomination or election to a state or local office.

7 (d) Is an individual who holds a state or local office and who is the subject of
8 a recall petition.

9 (e) Holds a state or local office, unless the individual is legally prohibited from
10 seeking reelection or files a declaration of noncandidacy.

11 (2) "Candidate committee" means a committee authorized by a candidate or a
12 candidate's agent to accept contributions or make expenditures in support of a
13 candidate's campaign.

****NOTE: For future consideration; what if an individual holds one elective office
while pursuing and then abandoning another? What are the relationships between that
individual's different candidate committees?

14 (3) "Candidate's agent" means an individual who acts under the direction of the
15 candidate regarding the conduct of the candidate's campaign and the operation of the
16 candidate committee.

17 (4) "Committee" means a candidate committee, legislative campaign
18 committee, political action committee, political party committee, recall committee,
19 and referendum committee.

20 (5) "Conduit" means a person other than an individual that receives a
21 contribution of money and transfers the contribution to a candidate committee,
22 legislative campaign committee, or political party committee without exercising

1 discretion as to the amount that is transferred and the committee to which the
2 transfer is made.

****NOTE: Please review this modified definition carefully; per our discussion on
March 10, we eliminated references to individual. In addition, we substituted “person”
for “organization.”

3 (6) “Contribution” means money or anything of value.

4 (7) “Election cycle” means the period beginning on the first date for circulating
5 nomination papers and ending on the day of the primary or election.

6 (8) (a) “Electioneering communication” means any communication, except as
7 provided in par. (b), for which all of the following apply:

8 1. It refers to a clearly identified candidate who will appear on the ballot for
9 election or nomination for election.

10 2. It is made during the election cycle of the candidate in subd. 1.

11 3. It is targeted to the relevant electorate.

12 4. It is susceptible to no reasonable interpretation other than as an appeal to
13 vote for or against a clearly identified candidate for election or nomination for
14 election.

15 (b) “Electioneering communication” does not include any of the following:

16 1. A communication, other than an advertisement, appearing in a news story,
17 commentary, or editorial distributed through the facilities of any legitimate news
18 organization, unless that facilities are controlled by any political party, political
19 committee, or candidate.

20 2. A communication made solely to promote a candidate debate or forum that
21 is made by or on behalf of a person sponsoring the debate or forum.

22 3. A communication made exclusively between an organization and its
23 members.

1 **(9)** “Express advocacy” means all of the following:

2 (a) Communications that expressly advocate for the election or defeat of a
3 clearly identified candidate using terms such as:

4 1. “Vote for”.

5 2. “Elect”.

6 3. “Support”.

7 4. “Cast your ballot for”.

8 5. “Smith for ... (an elective office)”.

9 6. “Vote against”.

10 7. “Defeat”.

11 8. “Reject”.

12 9. “Cast your ballot against”.

13 (b) Communications that are susceptible to no reasonable interpretation other
14 than as an appeal to vote for or against a clearly identified candidate for election or
15 nomination for election.

16 **(10)** “General election” means the election held in even-numbered years on the
17 Tuesday after the first Monday in November to elect United States senators,
18 representatives in congress, presidential electors, state senators, representatives to
19 the assembly, district attorneys, state officers other than the state superintendent
20 and judicial officers, and county officers other than supervisors and county
21 executives.

22 **(11)** “Legislative campaign committee” means a committee organized in either
23 house of the legislature to support candidates of a political party for legislative office.

24 **(12)** “Major purpose” means a person’s major purpose as specified in the
25 person’s organizational documents or as indicated by the person.

1 **(13)** “Partisan primary” means the primary held the 2nd Tuesday in August
2 to nominate candidates to be voted for at the general election.

3 **(14)** (a) Subject to par. (b), “political action committee” means a committee that
4 satisfies all of the following:

5 1. Has express advocacy as its major purpose.

6 2. Is organized by any person, other than an individual, or by any combination,
7 permanent or temporary, of 2 or more persons [unrelated by marriage].

 ****NOTE: We were not sure whether the “unrelated by marriage” language is either
 necessary or appropriate here.

8 3. Makes or accepts contributions or makes expenditures to support or oppose
9 [in support of or in opposition to] a candidate, to a candidate committee, to a
10 legislative campaign committee, to a political party committee, or to a recall
11 committee.

12 (b) “Political action committee” does not include a candidate committee,
13 legislative campaign committee, political party committee, or recall committee.

14 **(15)** “Political party committee” means a committee organized by a political
15 party that makes and accepts contributions and makes expenditures to support or
16 oppose candidates for state or local office.

17 **(16)** “Referendum committee” means a committee that is organized by any
18 person, other than an individual, or by any combination, permanent or temporary,
19 of 2 or more persons [unrelated by marriage] that acts to support or oppose the
20 qualification, passage, or defeat of a referendum question, but that does not receive
21 contributions or make expenditures or contributions for the purpose of influencing
22 or attempting to influence a candidate’s nomination or election.

 ****NOTE: The definition of “referendum committee” is based on the Michigan’s
 “ballot question committee” definition.

SECTION 1

****NOTE: We were not sure whether the "unrelated by marriage" language is either necessary or appropriate here.

1 (17) "Treasurer" means the individual who registers a committee with a filing
2 officer under subch. II and who makes reports on behalf of the committee under
3 subch. IV.

****NOTE: This note serves to remind the drafters to specify, in substantive provisions later in the drafting process, that a candidate may serve as the treasurer of his or her committee.

4 (18) "Spring election" means the election held on the first Tuesday in April to
5 elect judicial, educational, and municipal officers, nonpartisan county officers and
6 sewerage commissioners, and to express preferences for the person to be the
7 presidential candidate for each party in a year in which electors for president and
8 vice president are to be elected.

9 (19) "Spring primary" means the nonpartisan primary held on the 3rd Tuesday
10 in February to nominate nonpartisan candidates to be voted for at the spring
11 election.

12 SUBCHAPTER II

13 REGISTRATION

****NOTE: We did not discuss registration and the event or events that would trigger registration. As a result, this draft does not include any triggering point for registration.

14 SUBCHAPTER III

15 CONTRIBUTIONS

11.3000

16 **11.26 Contribution limits; exceptions.** (1) An individual may contribute
17 to a candidate committee no more than the following amounts specified for the
18 candidate whose nomination or election the committee supports:

19 (a) Candidates for governor, lieutenant governor, secretary of state, state
20 treasurer, attorney general, state superintendent, or justice, \$30,000.

21 (b) Candidates for state senator, \$3,000.

1 (c) Candidates for representative to the assembly, \$1,500.

2 (d) Candidates for court of appeals judge in districts which contain a county
3 having a population of more than 500,000, \$9,000.

4 (e) Candidates for court of appeals judge in other districts, \$7,500.

5 (f) Candidates for circuit judge in circuits having a population of more than
6 300,000, or candidates for district attorney in prosecutorial units having a
7 population of more than 300,000, \$9,000.

8 (g) Candidates for circuit judge in other circuits or candidates for district
9 attorney in other prosecutorial units, \$3,000.

10 (h) Candidates for local offices, an amount equal to the greater of the following:

11 1. Seven hundred fifty dollars.

12 2. Three cents times the number of inhabitants of the jurisdiction or district,
13 according to the latest federal census or the census information on which the district
14 is based, as certified by the appropriate filing officer, but not more than \$9,000.

15 (2) A candidate committee may contribute to another candidate committee no
16 more than the following amounts specified for the candidate whose nomination or
17 election the committee supports:

18 (a) Candidates for governor, lieutenant governor, secretary of state, state
19 treasurer, attorney general, state superintendent, or justice, \$30,000.

20 (b) Candidates for state senator, \$3,000.

21 (c) Candidates for representative to the assembly, \$1,500.

22 (d) Candidates for court of appeals judge in districts which contain a county
23 having a population of more than 500,000, \$9,000.

24 (e) Candidates for court of appeals judge in other districts, \$7,500.

1 (f) Candidates for circuit judge in circuits having a population of more than
2 300,000, or candidates for district attorney in prosecutorial units having a
3 population of more than 300,000, \$9,000.

4 (g) Candidates for circuit judge in other circuits or candidates for district
5 attorney in other prosecutorial units, \$3,000.

6 (h) Candidates for local offices, an amount equal to the greater of the following:

7 1. Seven hundred fifty dollars.

8 2. Three cents times the number of inhabitants of the jurisdiction or district,
9 according to the latest federal census or the census information on which the district
10 is based, as certified by the appropriate filing officer, but not more than \$9,000.

11 (3) A person, other than an individual or committee, may contribute to a
12 candidate committee no more than the following amounts specified for the candidate
13 whose nomination or election the committee supports:

14 (a) Candidates for governor, lieutenant governor, secretary of state, state
15 treasurer, attorney general, state superintendent, or justice, \$30,000.

16 (b) Candidates for state senator, \$3,000.

17 (c) Candidates for representative to the assembly, \$1,500.

18 (d) Candidates for court of appeals judge in districts which contain a county
19 having a population of more than 500,000, \$9,000.

20 (e) Candidates for court of appeals judge in other districts, \$7,500.

21 (f) Candidates for circuit judge in circuits having a population of more than
22 300,000, or candidates for district attorney in prosecutorial units having a
23 population of more than 300,000, \$9,000.

24 (g) Candidates for circuit judge in other circuits or candidates for district
25 attorney in other prosecutorial units, \$3,000.

1 (h) Candidates for local offices, an amount equal to the greater of the following:

2 1. Seven hundred fifty dollars.

3 2. Three cents times the number of inhabitants of the jurisdiction or district,
4 according to the latest federal census or the census information on which the district
5 is based, as certified by the appropriate filing officer, but not more than \$9,000.

6 (4) A political action committee may contribute to a candidate committee no
7 more than the following amounts specified for the candidate whose nomination or
8 election the committee supports:

9 (a) Candidates for governor, \$129,000.

10 (b) Candidates for lieutenant governor, \$39,000.

11 (c) Candidates for attorney general, \$66,000.

12 (d) Candidates for secretary of state, state treasurer, state superintendent, or
13 justice, \$27,000.

14 (e) Candidates for state senator, \$3,000.

15 (f) Candidates for representative to the assembly, \$1,500.

16 (g) Candidates for court of appeals judge in districts which contain a county
17 having a population of more than 500,000, \$9,000.

18 (h) Candidates for court of appeals judge in other districts, \$7,500.

19 (i) Candidates for circuit judge in circuits having a population of more than
20 300,000, or candidates for district attorney in prosecutorial units having a
21 population of more than 300,000, \$9,000.

22 (j) Candidates for circuit judge in other circuits or candidates for district
23 attorney in other prosecutorial units, \$3,000.

24 (k) Candidates for local offices, an amount equal to the greater of the following:

25 1. Seven hundred fifty dollars.

1 2. Three cents times the number of inhabitants of the jurisdiction or district,
2 according to the latest federal census or the census information on which the district
3 is based, as certified by the appropriate filing officer, but not more than \$9,000.

4 (5) The limits under subs. (1) to (4) do not apply to any of the following:

5 (a) Contributions to a political action committee.

 ****NOTE: I eliminated "individual" from this exception. Okay? (TKK)

6 (b) ~~Funds~~ ^{Contributions} transferred between political action committees.

7 (c) 1. Except as provided in subd. 2., contributions to a legislative campaign
8 committee.

9 2. A political action committee may contribute no more than \$18,000 to a
10 legislative campaign committee.

11 (d) 1. Except as provided in subd. 2., contributions to a political party
12 committee.

13 2. A political action committee may contribute no more than \$18,000 to a
14 political party committee.

15 (e) ~~Funds~~ ^{Contributions} transferred from a political party committee or legislative campaign
16 committee to a candidate committee or political action committee.

17 (f) Contributions paid to a segregated fund established and administered by a
18 political party committee or legislative campaign committee to finance the purchase,
19 lease, or maintenance of space for exclusive use by the political party committee or
20 legislative campaign committee.

21 (g) Contributions that a candidate makes to his or her candidate committee
22 from the candidate's personal funds or property or the personal funds or property
23 that are owned jointly or as marital property with the candidate's spouse.

Contributions
n
(h) Funds

1 (h) Funds transferred between the candidates for governor and lieutenant
2 governor of the same political party.

3 (i) Contributions used to pay legal fees and other expenses incurred as a result
4 of a recount under s. 9.01.

5 (j) Contributions used to pay legal fees and other expenses incurred in
6 connection with or in response to circulating, offering to file, or filing a petition to
7 recall an office holder prior to the time that a recall primary or election is ordered,
8 or after that time if incurred to contest or defend the order.

****NOTE: Paragraphs (g) to (j) are consistent with provisions under current law,
s. 11.26 (5), (12), and (13m).

9 (7) For purposes of this section, a contribution from a conduit is considered a
10 contribution from the individual who made the contribution and who authorized the
11 conduit to release the contribution.

****NOTE: Do conduits ever aggregate, and then release, contributions from
committees? Or only from individuals?

12 SUBCHAPTER IV

13 REPORTING

****NOTE: In this draft, this subchapter governs primarily the reporting of
contributions by the actors we identified in the previous draft. (the only exception is
reporting of expenditures related to electioneering communications). Specifically, we
establish requirements for the reporting of contributions made and received by, and
establish schedules for periodic reporting by, candidates, committees, conduits, and
business entities.

However, because there is no triggering point in this draft for the registration of
these actors, this draft does not yet establish consistent triggering points for reporting.
Additional notes and questions are embedded within this subchapter.

14 SECTION 2. 11.4000 of the statutes is created to read:

15 11.4000 Reporting generally; contributions. (1) WHEN REPORTABLE. (a) A
16 contribution is received by a candidate or committee for purposes of this chapter
17 when it is under the control of the treasurer of the candidate or committee.

1 (b) Unless it is returned or donated within 30 days of receipt, a contribution
2 must be reported as received and accepted on the date received. This subsection
3 applies notwithstanding the fact that the contribution is not deposited in the
4 campaign depository account by the closing date for the reporting period.

5 (c) All contributions received by any person acting as an agent of a candidate
6 or a committee required to report under this subchapter shall be reported by such
7 person to the treasurer of the candidate or committee within 30 days of receipt. In
8 the case of a contribution of money, the agent shall transmit the contribution to the
9 candidate or treasurer within 30 days of receipt.

10 (d) A candidate shall report as a contribution an expenditure or obligation
11 made or incurred for the benefit of the candidate if it is made or incurred with the
12 authorization, direction, or control of or otherwise by prearrangement with the
13 candidate or the candidate's agent.

****NOTE: Please review this language carefully, as it includes reference to an
expenditure or obligation that is reportable by the candidate as a contribution. Is this
consistent with your intent?

14 **(2) REPORT MUST BE COMPLETE; TIME OF REPORT; CERTIFICATION; SHORT FORM.** (a)

15 A committee required to file a report under this subchapter shall make a good faith
16 effort to obtain all required information. The first report shall commence no later
17 than the date that the first contribution is received and accepted or the first
18 contribution is made

****NOTE: We did not discuss what triggers a reporting requirement, so for purposes
of this provision and this provision only, I retained language (under current law s. 11.06
(5) that the first report begins no later than the first contribution. We can address this
point in a subsequent draft.

****NOTE: When we address this provision, we will need to consider what
transactional data must be included in each report (see current law s. 11.20 (8)).

19 (b) Each report shall be filed with the appropriate filing officer on the dates
20 designated in this subchapter. [PLACEHOLDER].

1 (c) 1. Except as provided in subd. 2., the committee's treasurer shall certify to
2 the correctness of each report filed under this subchapter.

3 2. Either the candidate or the treasurer of the candidate's committee shall
4 certify to the correctness of each report filed under this subchapter.

5 (d) The board shall prescribe a simplified, short form for compliance with this
6 section by a treasurer of a candidate, individual, or committee who has not engaged
7 in any financial transaction since the last date included on the treasurer's preceding
8 financial report.

9 **(3) LIMITATION ON CASH CONTRIBUTIONS.** Every contribution of money exceeding
10 \$100 shall be made by negotiable instrument or evidenced by an itemized credit card
11 receipt bearing on the face the name of the remitter. No committee required to report
12 under this subchapter may accept a contribution made in violation of this subsection.
13 The committee shall promptly return the contribution, or donate it to the common
14 school fund or to a charitable organization in the event that the donor cannot be
15 identified.

16 **(4) RETURN OF CONTRIBUTIONS.** (a) A committee required to report under this
17 subchapter may return a contribution at any time, before or after acceptance.

18 (b) 1. Except as provided in subd. 2., the subsequent return of a contribution
19 accepted contrary to law does not constitute a defense to a violation.

20 2. A committee that accepts a contribution contrary to law and that returns the
21 contribution accepted contrary to law prior to the end of the reporting period in which
22 the contribution is received does not violate the contribution limits under s. 11.26.

23 **SECTION 3.** 11.4001 of the statutes is created to read:

24 **11.4001 Reporting by candidates and candidate committees.** (1)
25 **CONTRIBUTIONS.** Each candidate, through his or her candidate committee, shall make

1 full reports, upon a form prescribed by the board and signed by the treasurer under
2 s. 11.4000 (2) (c), of all contributions received by the candidate. The candidate shall
3 include in each report the following information, covering the period since the last
4 date covered on the previous report:

5 (a) An itemized statement giving the date, full name, and street address of each
6 person who has made a contribution to the candidate, together with the amount of
7 the contribution.

****NOTE: Your drafting instructions directed us to "delete the year-to-date requirement." I assumed you were referring to the "cumulative total contributions" made by each contributor during the calendar year as required under current law s. 11.06 (1) (a) and (L). Let us know if we misunderstood the instruction.

8 (b) An itemized statement giving the date, full name, and street address of each
9 candidate and committee to which the candidate has made a contribution, together
10 with the amount of the contribution.

11 (c) The occupation and name and address of the principal place of employment,
12 if any, of each individual contributor whose cumulative contributions to the
13 candidate for the calendar year are in excess of \$100.

14 (d) An itemized statement of each contribution made anonymously. If the
15 contribution exceeds \$20, the candidate shall specify whether the candidate donated
16 the contribution to the common school fund or to a charitable organization, and shall
17 include the full name and mailing address of the donee.

18 (e) A statement of totals during the reporting period of contributions received
19 and contributions donated as provided in par. (d).

20 (f) A statement of the cash balance on hand at the beginning and end of the
21 reporting period.

22 **SECTION 4.** 11.4002 of the statutes is created to read:

11.4002 Reporting by legislative campaign committees. (1)

CONTRIBUTIONS. Each legislative campaign committee shall make full reports, upon a form prescribed by the board and signed by the treasurer under s. 11.4000 (2) (c), of all contributions made and received by the committee. The legislative campaign committee shall include in each report the following information, covering the period since the last date covered on the previous report:

(a) An itemized statement giving the date, full name, and street address of each person who has made a contribution to the legislative campaign committee, together with the amount of the contribution.

(b) An itemized statement giving the date, full name, and street address of each candidate and committee to which the legislative campaign committee has made a contribution, together with the amount of the contribution.

(c) The occupation and name and address of the principal place of employment, if any, of each individual contributor whose cumulative contributions to the legislative campaign committee for the calendar year are in excess of \$100.

(d) An itemized statement of each contribution made anonymously to the legislative campaign committee. If the contribution exceeds \$20, the legislative campaign committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

(e) A statement of totals during the reporting period of contributions received and contributions donated as provided in par. (d).

(f) A statement of the cash balance on hand at the beginning and end of the reporting period.

SECTION 5. 11.4003 of the statutes is created to read:

1 **11.4003 Reporting by political party committees. (1) CONTRIBUTIONS.**

2 Each political party committee shall make full reports, upon a form prescribed by the
3 board and signed by the treasurer under s. 11.4000 (2) (c), of all contributions made
4 and received by the committee. The political party committee shall include in each
5 report the following information, covering the period since the last date covered on
6 the previous report:

7 (a) An itemized statement giving the date, full name, and street address of each
8 person who has made a contribution to the political party committee, together with
9 the amount of the contribution.

10 (b) An itemized statement giving the date, full name, and street address of each
11 candidate and committee to which the political party committee has made a
12 contribution, together with the amount of the contribution.

13 (c) The occupation and name and address of the principal place of employment,
14 if any, of each individual contributor whose cumulative contributions to the political
15 party committee for the calendar year are in excess of \$100.

16 (d) An itemized statement of each contribution made anonymously to the
17 political party committee. If the contribution exceeds \$20, the political party
18 committee shall specify whether the committee donated the contribution to the
19 common school fund or to a charitable organization, and shall include the full name
20 and mailing address of the donee.

21 (e) A statement of totals during the reporting period of contributions received
22 and contributions donated as provided in par. (d).

23 (f) A statement of the cash balance on hand at the beginning and end of the
24 reporting period.

***NOTE: Given that, under the bill, contributions to political action committees are not limited and that a candidate will report any contribution received by a political action committee, I eliminated the section requiring political action committees to report contributions made and received by the committee. Okay?

1 **SECTION 6.** 11.4004 of the statutes is created to read:

2 **11.4004 Reporting by conduits.** (1) CONTRIBUTIONS. Each conduit shall
3 make full reports, upon a form prescribed by the board and signed by the treasurer
4 under s. 11.4000 (2) (c), of the following information covering the period since the last
5 date covered on the previous report::

6 (a) A statement of the sum total of all contributions received by the conduit
7 during the reporting period.

8 (b) A statement of the sum total of all contributions transferred out of the
9 conduit and to committees upon the authorization of contributors.

10 (c) A statement of the sum total of cash on hand at the beginning and end of
11 the reporting period.

12 **SECTION 7.** 11.4005 of the statutes is created to read:

13 **11.4005 Reporting by referendum committees.** (1) CONTRIBUTIONS. Each
14 referendum committee shall make full reports, upon a form prescribed by the board
15 and signed by the treasurer under s. 11.4000 (2) (c), of all contributions received by
16 the committee. The referendum committee shall include in each report the following
17 information, covering the period since the last date covered on the previous report:

18 (a) An itemized statement giving the date, full name, and street address of each
19 person who has made a contribution to the referendum committee, together with the
20 amount of the contribution.

21 (b) The occupation and name and address of the principal place of employment,
22 if any, of each individual contributor whose cumulative contributions to the
23 referendum committee for the calendar year are in excess of \$100.

1 (c) An itemized statement of each contribution made anonymously to the
2 referendum committee. If the contribution exceeds \$20, the referendum committee
3 shall specify whether the committee donated the contribution to the common school
4 fund or to a charitable organization, and shall include the full name and mailing
5 address of the donee.

***NOTE: Do you want to require referendum committees to donate anonymous
contributions?

6 (e) A statement of totals during the reporting period of contributions received
7 and contributions donated as provided in par. (d).

8 (f) A statement of the cash balance on hand at the beginning and end of the
9 reporting period.

10 **SECTION 8.** 11.4006 of the statutes is created to read:

11 **11.4006 Reporting of electioneering communications.** (1) EXPENDITURES.

12 Any person, other than a committee, spending \$10,000 or more in the aggregate on
13 electioneering communications, not including administrative expenses, shall submit
14 statements to the board providing all of the following information:

15 1. The dates on which the person made the expenditures.

16 2. The name and address of the persons who received the expenditures.

17 3. The purpose for making the expenditures.

18 4. The amount spent for each electioneering communication.

19 5. The name of any candidate affected by the expenditure, the office that the
20 candidate seeks, and whether the electioneering communication supports or opposes
21 that candidate.

22 6. Whether the person coordinated or consulted with, or received the consent
23 of the candidate or candidate's agent, regarding the expenditure.

1 (b) EXCEPTION. A person who is required to report under this section is not
2 required to submit the information described under sub. (1) regarding expenditures
3 made before reaching the \$10,000 threshold under sub. (1).

4 (c) COORDINATION. A person who makes an expenditure for an electioneering
5 communication who coordinates or consults with the candidate or candidate's agent
6 regarding the expenditure, or who receives the consent of the candidate or
7 candidate's agent to make the expenditure, shall report the expenditure as a
8 contribution to the candidate.

9 SECTION 9. 11.4007 of the statutes is amended to read:

10 **11.4007 Reporting requirements; schedule for filing reports.**

****NOTE: This section does not specifically address reports for special elections.

****NOTE: This section does not address exceptions to the filing of reports under
current law s. 11.05 (2r) or when, as a result of the filing of a termination report, reports
are no longer required. (The draft also does not include any provisions governing
termination reports).

11 **(1) FILING OFFICER.**

****NOTE: We did not discuss filing officers (who will be assigned to receive the
reports required under this subchapter), but I reserved this subsection for a later draft.

****NOTE: For similar reasons, this draft does not incorporate filing fees (required
under current law s. 11.055).

12 **(2) PREPRIMARY AND PREELECTION REPORTS; TIMING.** (a) 1. Preprimary and
13 preelection reports required under this section shall be received by the appropriate
14 filing officer no earlier than 14 days and no later than 8 days preceding the primary
15 and the election.

****NOTE: This subsection duplicates current law.

16 2. In the event that any report is required to be filed under this section on a
17 nonbusiness day, it may be filed on the next business day thereafter.

****NOTE: This subsection duplicates current law s. 11.20 (7).

1 (b) A contribution in support of or in opposition to a candidate at a primary
2 which is made, accepted, or incurred during the period covered by the preprimary
3 report is considered to be made, accepted or incurred in support of or in opposition
4 to that candidate at the primary, regardless of whether the candidate is opposed at
5 the primary.

***NOTE: This paragraph is modified (to eliminate for the time being references
to “disbursements and obligations”) from current law s. 11.20 (3) (f).

6 (c) A contribution in support of or in opposition to a candidate at an election
7 which is made, accepted, or incurred during the period covered by the preelection
8 report is considered to be made, accepted, or incurred in support of or in opposition
9 to that candidate at the election, regardless of whether the candidate is opposed at
10 the election.

***NOTE: This paragraph is modified (to eliminate for the time being references
to “disbursements and obligations”) from current law s. 11.20 (3) (g).

11 (d) 1. Except as provided in subd. 2., a registrant who makes, accepts, or incurs
12 a contribution in support of or in opposition to a candidate at a primary during the
13 period covered by the preprimary report shall file both the preprimary and
14 preelection reports, regardless of whether the registrant engages in such activity
15 during the period covered by the preelection report.

16 2. a. A conduit, legislative campaign committee, or referendum committee who
17 makes, accepts, or incurs a contribution in support of or in opposition to a candidate
18 at a primary during the period covered by the preelection report, but does not engage
19 in such activity during the period covered by the preprimary report, is not required
20 to file a preprimary report.

21 b. A conduit, legislative campaign committee, or referendum committee who
22 makes, accepts, or incurs a contribution in support of or in opposition to a candidate

1 at an election during the period covered by the report which follows the preelection
2 report, but does not engage in such activity during the period covered by the
3 preelection report, is not required to file a preelection report.

****NOTE: This paragraph is modified (to eliminate for the time being references to “disbursements and obligations”) from current law s. 11.20 (3) (h), (i), and (j). Do you want the requirements for reporting in subd. 2. a. and b. to apply only to candidate committees and political party committees, or should legislative campaign committees also be required to file under subd. 1.?

4 (3) CANDIDATES AT SPRING PRIMARY. (a) A candidate committee of a candidate
5 at a spring primary shall do all of the following:

6 1. File a preprimary report. If a candidate for a nonpartisan state office at an
7 election is not required to participate in a spring primary, the candidate committee
8 shall file a preprimary report at the time prescribed in sub. (2) preceding the date
9 specified for the holding of the primary, were it to be required.

10 2. File a preelection report.

11 3. Annually in each year of an election cycle, file a report on the 15th day of the
12 month in the months of January, April, July, and October.

****NOTE: Is the use of the phrase “election cycle” consistent with your intent?

13 (4) CANDIDATES AT SPRING ELECTIONS. A candidate committee of a candidate at
14 a spring election shall do all of the following:

15 (a) File a preelection report.

16 (b) Annually in each year of an election cycle, file a report on the 15th day of
17 the month in the months of January, April, July, and October.

18 (5) CANDIDATES AT PARTISAN PRIMARY. A candidate committee of a candidate at
19 a partisan primary shall do all of the following:

20 (a) File a preprimary report.

21 (b) File a preelection report.

1 (c) In an odd-numbered year, file a report on the 15th day of the month in the
2 months of January, April, July, and October.

3 (d) In an even-numbered year, file a report on the 15th day of the month in the
4 months of January, April, and July, and on the 4th Tuesday in September.

5 **(6) CANDIDATES AT GENERAL ELECTIONS.** A candidate committee of a candidate
6 at a general election shall do all of the following:

7 (a) File a preelection report.

8 (b) In an odd-numbered year, file a report on the 15th day of the month in the
9 months of January, April, July, and October.

10 (c) In an even-numbered year, file a report on the 15th day of the month in the
11 months of January, April, and July, and on the 4th Tuesday in September.

12 **(7) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT**
13 **SPRING PRIMARY.** A conduit, legislative campaign committee, or political party
14 committee that makes or accepts contributions in support of or in opposition to one
15 or more candidates for office at a spring primary, or that supports or opposes other
16 committees engaging in such activities shall file the reports required under sub. (3).

17 **(8) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT**
18 **SPRING ELECTION.** A conduit, legislative campaign committee, or political party
19 committee that makes or accepts contributions in support of or in opposition to one
20 or more candidates for office at a spring election, or that supports or opposes other
21 committees engaging in such activities shall file the reports required under sub. (4).

22 **(9) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT**
23 **PARTISAN PRIMARY.** A conduit, legislative campaign committee, or political party
24 committee that makes or accepts contributions in support of or in opposition to one

1 or more candidates for office at a partisan primary, or that supports or opposes other
2 committees engaging in such activities shall file the reports required under sub. (5).

3 (10) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT
4 GENERAL ELECTION. A conduit, legislative campaign committee, or political party
5 committee that makes or accepts contributions in support of or in opposition to one
6 or more candidates for office at a general election, or that supports or opposes other
7 committees engaging in such activities shall file the reports required under sub. (6).

8 (11) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO A REFERENDUM
9 AT SPRING PRIMARY. A referendum committee making or accepting contributions in
10 support of or in opposition to a referendum appearing on a spring primary ballot shall
11 file the reports required under sub. (3).

12 (12) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO A REFERENDUM
13 AT SPRING ELECTION. A referendum committee making or accepting contributions in
14 support of or in opposition to a referendum appearing on a spring election ballot shall
15 file the reports required under sub. (4).

16 (13) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO A REFERENDUM
17 AT PARTISAN PRIMARY. A referendum committee making or accepting contributions in
18 support of or in opposition to a referendum appearing on a partisan primary ballot
19 shall file the reports required under sub. (5).

20 (14) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO A REFERENDUM
21 AT GENERAL ELECTION. A referendum committee making or accepting contributions
22 in support of or in opposition to a referendum appearing on a general election ballot
23 shall file the reports required under sub. (6).

24 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1469/P4
JK&TKK:.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** campaign finance.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

2 **SECTION 1.** Chapter 11 of the statutes is repealed and recreated to read:

3 **CHAPTER 11**

4 **CAMPAIGN FINANCING**

5 **SUBCHAPTER I**

6 **GENERAL PROVISIONS**

7 **11.1000 Definitions.** In this chapter:

8 (1) "Candidate" means an individual who takes any of the following affirmative
9 actions to seek nomination or election to a state or local office:

1 (a) Files nomination papers with the appropriate filing officer.

2 (b) Is nominated as a candidate for state or local office by a political party or

3 convention and the nomination is certified to the appropriate filing officer.

4 (c) Receives a contribution, makes an expenditure, or gives consent for another
5 person to receive a contribution or make an expenditure in order to bring about the
6 individual's nomination or election to a state or local office.

7 (d) Is an individual who holds a state or local office and who is the subject of
8 a recall petition.

9 (e) Holds a state or local office, unless the individual is legally prohibited from
10 seeking reelection or files a declaration of noncandidacy.

11 (2) "Candidate committee" means a committee authorized by a candidate or a
12 candidate's agent to accept contributions or make expenditures in support of a
13 candidate's campaign.

***NOTE: For future consideration; what if an individual holds one elective office while pursuing and then abandoning another? What are the relationships between that individual's different candidate committees?

14 (3) "Candidate's agent" means an individual who acts under the direction of the
15 candidate regarding the conduct of the candidate's campaign and the operation of the
16 candidate committee.

17 (4) "Committee" means a candidate committee, legislative campaign
18 committee, political action committee, political party committee, and referendum
19 committee.

20 (5) "Conduit" means a person other than an individual that receives a
21 contribution of money and transfers the contribution to a candidate committee,
22 legislative campaign committee, or political party committee without exercising

1 discretion as to the amount that is transferred and the committee to which the
2 transfer is made.

****NOTE: Please review this modified definition carefully; per our discussion on
March 10, we eliminated references to individual. In addition, we substituted "person"
for "organization."

3 (6) (a) Except as provided in par. (b), "contribution" means any of the following:

4 1. A gift, subscription, loan, advance, or transfer of money to a committee ^{or}

5 conduit

6 2. A transfer of tangible personal property or services to a committee or conduit

7 3. A transfer of funds between committees.

8 4. The purchase of a ticket for a fundraising event for a committee [or conduit]

9 regardless of whether the ticket is used to attend the event.

10 5. An expenditure for express advocacy by a person other than a committee, if

11 the expenditure is made in cooperation, consultation, or concert with, or at the

12 request or suggestion of, a candidate, candidate committee, candidate's agent,

13 legislative campaign committee, or political party committee, including an

14 expenditure made for express advocacy if the person making the expenditure allows

15 a candidate, candidate committee, candidate's agent, legislative campaign

16 committee, or political party committee to become materially involved in decisions

17 regarding the express advocacy or to share in financial responsibility for the costs of

18 producing and disseminating the express advocacy.

19 (b) "Contribution" does not include any of the following:

20 1. Services that an individual provides to a committee or conduit, if the

21 individual is not specifically compensated ^{more} for providing the services.

22 2. Any unreimbursed travel expenses that an individual incurs to volunteer his

23 or her personal services to a committee or conduit.

Yun
disbursement?
disbursement?
redo the expenditure def
move to each para

SECTION 1

3. The costs of preparing and transmitting personal correspondence.

4. A loan from a commercial lending institution that the institution makes in its ordinary course of business.

unusual - see current law

5. The ^{re}use of surplus materials acquired in connection with a previous campaign for or against the same candidate, political party, or recall.

6. The cost of invitations, food, and beverages in connection with a fundraising event held in a private residence on behalf of a candidate committee.

7. Any cost incurred to conduct Internet activity for [express advocacy or issue advocacy] [a political purpose] by an individual acting on his or her own behalf, or on behalf of another person, if the individual is not compensated specifically for those services, including the cost or value of any equipment and services used to conduct the activity regardless of who owns the equipment and services, but not including professional video production services purchased by the individual. [For purposes of this subdivision, "political purpose" means the purpose of influencing the election or nomination for election of any individual to state or local office, 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 at a referendum.]

the candidate's term - ending on primary

****NOTE: This exclusion for Internet activity is a merger of the language under ss. 11.01 (6) (b) 8. and 11.06 (13).

8. An independent expenditure.

9. An electioneering communication.

*for different purposes
1) contribution
2) electioneering com.*

(7) "Election cycle" means the period beginning on the first date for circulating nomination papers and ending on the day of the primary or election.

(8) (a) "Electioneering communication" means any communication, except as provided in par. (b), for which all of the following apply:

1 1. It refers to a clearly identified candidate who will appear on the ballot for
2 election or nomination for election.

3 2. It is made during the election cycle of the candidate in subd. 1.

4 3. It is targeted to the relevant electorate.

5 4. It is susceptible to no reasonable interpretation other than as an appeal to
6 vote for or against a clearly identified candidate for election or nomination for
7 election.

8 (b) "Electioneering communication" does not include any of the following:

9 1. A communication, other than an advertisement, appearing in a news story,
10 commentary, or editorial distributed through the facilities of any legitimate news
11 organization, unless that facilities are controlled by any political party, political
12 committee, or candidate.

13 2. A communication made solely to promote a candidate debate or forum that
14 is made by or on behalf of a person sponsoring the debate or forum.

15 3. A communication made exclusively between an organization and its
16 members.

17 (9) "Expenditure" means any of the following:

Expenditure of money include ?
Should we use disbursement = ?

18 (a) A disbursement by a committee from a campaign depository account.

19 (b) The transfer of tangible personal property or services by a committee.

20 (10) "Express advocacy" means all of the following:

21 (a) Communications that expressly advocate for the election or defeat of a
22 clearly identified candidate using terms such as:

23 1. "Vote for".

24 2. "Elect".

25 3. "Support".

*(c) * disbursement by any person for express advocacy
expenditure of \$*

SECTION 1

1 4. "Cast your ballot for".

2 5. "Smith for ... (an elective office)".

3 6. "Vote against".

4 7. "Defeat".

5 8. "Reject".

6 9. "Cast your ballot against".

7 (b) Communications that are susceptible to no reasonable interpretation other
8 than as an appeal to vote for or against a clearly identified candidate for election or
9 nomination for election.

10 (11) "General election" means the election held in even-numbered years on the
11 Tuesday after the first Monday in November to elect United States senators,
12 representatives in congress, presidential electors, state senators, representatives to
13 the assembly, district attorneys, state officers other than the state superintendent
14 and judicial officers, and county officers other than supervisors and county
15 executives.

16 (12) (a) "Independent expenditure" means an expenditure for express advocacy
17 by a person other than a committee, if the expenditure is not made in cooperation,
18 consultation, or concert with, or at the request or suggestion of, a candidate,
19 candidate committee, candidate's agent, legislative campaign committee, or political
20 party committee.

21 (b) For purposes of this subsection, an expenditure is not an "independent
22 expenditure" if the person making the expenditure allows a candidate, candidate
23 committee, candidate's agent, legislative campaign committee, or political party
24 committee to become materially involved in decisions regarding the express

1 advocacy or to share in financial responsibility for the costs of producing and
2 disseminating the express advocacy.

****NOTE: This definition is based on the definition of "independent expenditure"
under the Code of Federal Regulations, 11 CFR, section 100.16.

3 (13) "Legislative campaign committee" means a committee organized in either
4 house of the legislature to support candidates of a political party for legislative office.

5 (14) "Major purpose" means a person's major purpose as specified in the
6 person's organizational documents or as indicated by the person.

7 (15) "Partisan primary" means the primary held the 2nd Tuesday in August
8 to nominate candidates to be voted for at the general election.

9 (16) (a) Subject to par. (b), "political action committee" means a committee that
10 satisfies all of the following:

- 11 1. Has express advocacy as its major purpose.
- 12 2. Is organized by any person, other than an individual, or by any combination,
- 13 permanent or temporary, of 2 or more persons [unrelated by marriage].

****NOTE: We were not sure whether the "unrelated by marriage" language is either
necessary or appropriate here.

14 3. Makes or accepts contributions or makes expenditures to support or oppose
15 [in support of or in opposition to] a candidate, to a candidate committee, to a
16 legislative campaign committee, to a political party committee, or to a recall
17 committee.

18 (b) "Political action committee" does not include a candidate committee,
19 legislative campaign committee, political party committee, or recall committee.

20 (17) "Political party committee" means a committee organized by a political
21 party that makes and accepts contributions and makes expenditures to support or
22 oppose candidates for state or local office.

*either just to
express or out
signature?*

*entity?
defined here*

committee

*put
back*

nee

1 SUBCHAPTER III

2 CONTRIBUTIONS

3 **11.3000 Contribution limits; exceptions.** (1) An individual may contribute
4 to a candidate committee no more than the following amounts specified for the
5 candidate whose nomination or election the committee supports:

6 (a) Candidates for governor, lieutenant governor, secretary of state, state
7 treasurer, attorney general, state superintendent, or justice, \$30,000.

8 (b) Candidates for state senator, \$3,000.

9 (c) Candidates for representative to the assembly, \$1,500.

10 (d) Candidates for court of appeals judge in districts which contain a county
11 having a population of more than 500,000, \$9,000.

12 (e) Candidates for court of appeals judge in other districts, \$7,500.

13 (f) Candidates for circuit judge in circuits having a population of more than
14 300,000, or candidates for district attorney in prosecutorial units having a
15 population of more than 300,000, \$9,000.

16 (g) Candidates for circuit judge in other circuits or candidates for district
17 attorney in other prosecutorial units, \$3,000.

18 (h) Candidates for local offices, an amount equal to the greater of the following:

19 1. Seven hundred fifty dollars.

20 2. Three cents times the number of inhabitants of the jurisdiction or district,
21 according to the latest federal census or the census information on which the district
22 is based, as certified by the appropriate filing officer, but not more than \$9,000.

23 (2) A candidate committee may contribute to another candidate committee no
24 more than the following amounts specified for the candidate whose nomination or
25 election the committee supports:

1 (a) Candidates for governor, lieutenant governor, secretary of state, state
2 treasurer, attorney general, state superintendent, or justice, \$30,000.

3 (b) Candidates for state senator, \$3,000.

4 (c) Candidates for representative to the assembly, \$1,500.

5 (d) Candidates for court of appeals judge in districts which contain a county
6 having a population of more than 500,000, \$9,000.

7 (e) Candidates for court of appeals judge in other districts, \$7,500.

8 (f) Candidates for circuit judge in circuits having a population of more than
9 300,000, or candidates for district attorney in prosecutorial units having a
10 population of more than 300,000, \$9,000.

11 (g) Candidates for circuit judge in other circuits or candidates for district
12 attorney in other prosecutorial units, \$3,000.

13 (h) Candidates for local offices, an amount equal to the greater of the following:

14 1. Seven hundred fifty dollars.

15 2. Three cents times the number of inhabitants of the jurisdiction or district,
16 according to the latest federal census or the census information on which the district
17 is based, as certified by the appropriate filing officer, but not more than \$9,000.

18 (3) A person, other than an individual or committee, may contribute to a
19 candidate committee no more than the following amounts specified for the candidate
20 whose nomination or election the committee supports:

21 (a) Candidates for governor, lieutenant governor, secretary of state, state
22 treasurer, attorney general, state superintendent, or justice, \$30,000.

23 (b) Candidates for state senator, \$3,000.

24 (c) Candidates for representative to the assembly, \$1,500.

1 (d) Candidates for court of appeals judge in districts which contain a county
2 having a population of more than 500,000, \$9,000.

3 (e) Candidates for court of appeals judge in other districts, \$7,500.

4 (f) Candidates for circuit judge in circuits having a population of more than
5 300,000, or candidates for district attorney in prosecutorial units having a
6 population of more than 300,000, \$9,000.

7 (g) Candidates for circuit judge in other circuits or candidates for district
8 attorney in other prosecutorial units, \$3,000.

9 (h) Candidates for local offices, an amount equal to the greater of the following:

10 1. Seven hundred fifty dollars.

11 2. Three cents times the number of inhabitants of the jurisdiction or district,
12 according to the latest federal census or the census information on which the district
13 is based, as certified by the appropriate filing officer, but not more than \$9,000.

14 (4) A political action committee may contribute to a candidate committee no
15 more than the following amounts specified for the candidate whose nomination or
16 election the committee supports:

17 (a) Candidates for governor, \$129,000.

18 (b) Candidates for lieutenant governor, \$39,000.

19 (c) Candidates for attorney general, \$66,000.

20 (d) Candidates for secretary of state, state treasurer, state superintendent, or
21 justice, \$27,000.

22 (e) Candidates for state senator, \$3,000.

23 (f) Candidates for representative to the assembly, \$1,500.

24 (g) Candidates for court of appeals judge in districts which contain a county
25 having a population of more than 500,000, \$9,000.

SECTION 1

1 (h) Candidates for court of appeals judge in other districts, \$7,500.

2 (i) Candidates for circuit judge in circuits having a population of more than
3 300,000, or candidates for district attorney in prosecutorial units having a
4 population of more than 300,000, \$9,000.

5 (j) Candidates for circuit judge in other circuits or candidates for district
6 attorney in other prosecutorial units, \$3,000.

7 (k) Candidates for local offices, an amount equal to the greater of the following:

8 1. Seven hundred fifty dollars.

9 2. Three cents times the number of inhabitants of the jurisdiction or district,
10 according to the latest federal census or the census information on which the district
11 is based, as certified by the appropriate filing officer, but not more than \$9,000.

12 (5) The limits under subs. (1) to (4) do not apply to any of the following:

13 (a) Contributions to a political action committee.

****NOTE: I eliminated "individual" from this exception. Okay? (TKK)

14 (b) Contributions transferred between political action committees.

15 (c) 1. Except as provided in subd. 2., contributions to a legislative campaign
16 committee.

calendar year

17 2. A political action committee may contribute no more than \$18,000 to a
18 legislative campaign committee.

19 (d) 1. Except as provided in subd. 2., contributions to a political party
20 committee.

calendar year

21 2. A political action committee may contribute no more than \$18,000 to a
22 political party committee.

23 (e) Contributions transferred from a political party committee or legislative
24 campaign committee to a candidate committee or political action committee.

1 (f) Contributions paid to a segregated fund established and administered by a
2 political party committee or legislative campaign committee to finance the purchase,
3 lease, or maintenance of space for exclusive use by the political party committee or
4 legislative campaign committee.

5 (g) Contributions that a candidate makes to his or her candidate committee
6 from the candidate's personal funds or property or the personal funds or property
7 that are owned jointly or as marital property with the candidate's spouse.

8 (h) Contributions transferred between the candidates for governor and
9 lieutenant governor of the same political party.

10 (i) Contributions used to pay legal fees and other expenses incurred as a result
11 of a recount under s. 9.01.

12 (j) Contributions used to pay legal fees and other expenses incurred in
13 connection with or in response to circulating, offering to file, or filing a petition to
14 recall an office holder prior to the time that a recall primary or election is ordered,
15 or after that time if incurred to contest or defend the order.

****NOTE: Paragraphs (g) to (j) are consistent with provisions under current law,
s. 11.26 (5), (12), and (13m).

16 (6) (a) For purposes of complying with a contribution limit under this section,
17 the value of a contribution of any tangible or intangible item, other than money, is
18 the item's [fair market value] replacement cost at the time that the individual or
19 committee made the contribution.

20 (b) For purposes of complying with a contribution limit under this section, the
21 value of a contribution of a service is the [fair market value] replacement cost of the
22 service at the time that the individual or committee made the contribution.

****NOTE: Does it make sense to talk about the replacement cost of a service or
should it be the fair market value?

1 (7) For purposes of this section, a contribution from a conduit is considered a
2 contribution from the individual who made the contribution ^{person or committee} and who authorized the
3 conduit to release the contribution

****NOTE: Do conduits ever aggregate, and then release, contributions from committees? Or only from individuals?

4 SUBCHAPTER IV

5 REPORTING

****NOTE: In this draft, this subchapter governs primarily the reporting of contributions by the actors we identified in the previous draft. (the only exception is reporting of expenditures related to electioneering communications). Specifically, we establish requirements for the reporting of contributions made and received by, and establish schedules for periodic reporting by, candidates, committees, conduits, and business entities.

However, because there is no triggering point in this draft for the registration of these actors, this draft does not yet establish consistent triggering points for reporting. Additional notes and questions are embedded within this subchapter.

6 SECTION 2. 11.4000 of the statutes is created to read:

7 **11.4000 Reporting generally; contributions. (1) WHEN REPORTABLE.** (a) A
8 contribution is received by a candidate or committee for purposes of this chapter
9 when it is under the control of the treasurer of the candidate or committee. ^{candidate or committee or treasurer?}

10 (b) Unless it is returned or donated within 30 days of receipt, a contribution
11 must be reported as received and accepted on the date received. This subsection
12 applies notwithstanding the fact that the contribution is not deposited in the
13 campaign depository account by the closing date for the reporting period.

14 (c) All contributions received by any person acting as an agent of a candidate
15 or a committee required to report under this subchapter shall be reported by such
16 person to the treasurer of the candidate or committee within 30 days of receipt. In
17 the case of a contribution of money, the agent shall transmit the contribution to the
18 candidate or treasurer within 30 days of receipt.

*which
rec'd*
when the treasurer/candidate's agent receives the cash

1 (d) A candidate shall report as a contribution an expenditure or obligation
2 made or incurred for the benefit of the candidate if it is made or incurred with the
3 authorization, direction, or control of or otherwise by prearrangement with the
4 candidate or the candidate's agent.

****NOTE: Please review this language carefully, as it includes reference to an expenditure or obligation that is reportable by the candidate as a contribution. Is this consistent with your intent?

5 (2) REPORT MUST BE COMPLETE; TIME OF REPORT; CERTIFICATION; SHORT FORM. (a)
6 A committee required to file a report under this subchapter shall make a good faith
7 effort to obtain all required information. The first report shall commence no later
8 than the date that the first contribution is received and accepted or the first
9 contribution is made

****NOTE: We did not discuss what triggers a reporting requirement, so for purposes of this provision and this provision only, I retained language (under current law s. 11.06 (5) that the first report begins no later than the first contribution. We can address this point in a subsequent draft.

****NOTE: When we address this provision, we will need to consider what transactional data must be included in each report (see current law s. 11.20 (8)).

10 (b) Each report shall be filed with the appropriate filing officer on the dates
11 designated in this subchapter. [PLACEHOLDER].

12 (c) 1. Except as provided in subd. 2., the committee's treasurer shall certify to
13 the correctness of each report filed under this subchapter.

14 2. Either the candidate or the treasurer of the candidate's committee shall
15 certify to the correctness of each report filed under this subchapter.

16 (d) The board shall prescribe a simplified, short form for compliance with this
17 section by a treasurer of a candidate, individual, or committee who has not engaged
18 in any financial transaction since the last date included on the treasurer's preceding
19 financial report.

1 (3) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money exceeding
 2 \$100 shall be made by negotiable instrument or evidenced by an itemized credit card
 3 receipt bearing on the face the name of the remitter. No committee required to report
 4 under this subchapter may accept a contribution made in violation of this subsection.
 5 The committee shall promptly return the contribution, or donate it to the common
 6 school fund or to a charitable organization in the event that the donor cannot be
 7 identified.

deposit?

8 (4) RETURN OF CONTRIBUTIONS. (a) A committee required to report under this
 9 subchapter may return a contribution at any time, before or after acceptance.

10 (b) 1. Except as provided in subd. 2., the subsequent return of a contribution
 11 accepted contrary to law does not constitute a defense to a violation.

grace period 15 days

12 2. A committee that accepts a contribution contrary to law and that returns the
 13 contribution accepted contrary to law prior to the end of the reporting period in which
 14 the contribution is received does not violate the contribution limits under s. 11.26.

*11.3000
 & ref*

15 **SECTION 3.** 11.4001 of the statutes is created to read:

16 **11.4001 Reporting by candidates and candidate committees. (1)**

17 CONTRIBUTIONS. Each candidate, through his or her candidate committee, shall make
 18 full reports, upon a form prescribed by the board and signed by the treasurer under
 19 s. 11.4000 (2) (c), of all contributions received by the candidate. The candidate shall
 20 include in each report the following information, covering the period since the last
 21 date covered on the previous report:

22 (a) An itemized statement giving the date, full name, and street address of each
 23 person who has made a contribution to the candidate, together with the amount of
 24 the contribution.

****NOTE: Your drafting instructions directed us to “delete the year-to-date requirement.” I assumed you were referring to the “cumulative total contributions” made by each contributor during the calendar year as required under current law s. 11.06 (1) (a) and (L). Let us know if we misunderstood the instruction.

1 (b) An itemized statement giving the date, full name, and street address of each
2 candidate and committee to which the candidate has made a contribution, together
3 with the amount of the contribution.

4 (c) The occupation and name of the principal place of employment, if any, of
5 each individual contributor whose cumulative contributions to the candidate for the
6 calendar year are in excess of \$100.

7 (d) An itemized statement of each contribution made anonymously. If the
8 contribution exceeds \$20, the candidate shall specify whether the candidate donated
9 the contribution to the common school fund or to a charitable organization, and shall
10 include the full name and mailing address of the donee.

11 (e) A statement of totals during the reporting period of contributions received
12 and contributions donated as provided in par. (d).

13 (f) A statement of the cash balance on hand at the beginning and end of the
14 reporting period.

15 **SECTION 4.** 11.4002 of the statutes is created to read:

16 **11.4002 Reporting by legislative campaign committees. (1)**
17 **CONTRIBUTIONS.** Each legislative campaign committee shall make full reports, upon
18 a form prescribed by the board and signed by the treasurer under s. 11.4000 (2) (c),
19 of all contributions made and received by the committee. The legislative campaign
20 committee shall include in each report the following information, covering the period
21 since the last date covered on the previous report:

1 (a) An itemized statement giving the date, full name, and street address of each
2 person who has made a contribution to the legislative campaign committee, together
3 with the amount of the contribution.

4 (b) An itemized statement giving the date, full name, and street address of each
5 candidate and committee to which the legislative campaign committee has made a
6 contribution, together with the amount of the contribution.

7 (c) The occupation and name of the principal place of employment, if any, of
8 each individual contributor whose cumulative contributions to the legislative
9 campaign committee for the calendar year are in excess of \$100.

10 (d) An itemized statement of each contribution made anonymously to the
11 legislative campaign committee. If the contribution exceeds \$20, the legislative
12 campaign committee shall specify whether the committee donated the contribution
13 to the common school fund or to a charitable organization, and shall include the full
14 name and mailing address of the donee.

15 (e) A statement of totals during the reporting period of contributions received
16 and contributions donated as provided in par. (d).

17 (f) A statement of the cash balance on hand at the beginning and end of the
18 reporting period.

19 **SECTION 5.** 11.4003 of the statutes is created to read:

20 **11.4003 Reporting by political party committees. (1) CONTRIBUTIONS.**
21 Each political party committee shall make full reports, upon a form prescribed by the
22 board and signed by the treasurer under s. 11.4000 (2) (c), of all contributions made
23 and received by the committee. The political party committee shall include in each
24 report the following information, covering the period since the last date covered on
25 the previous report:

1 (a) An itemized statement giving the date, full name, and street address of each
2 person who has made a contribution to the political party committee, together with
3 the amount of the contribution.

4 (b) An itemized statement giving the date, full name, and street address of each
5 candidate and committee to which the political party committee has made a
6 contribution, together with the amount of the contribution.

7 (c) The occupation and name of the principal place of employment, if any, of
8 each individual contributor whose cumulative contributions to the political party
9 committee for the calendar year are in excess of \$100.

10 (d) An itemized statement of each contribution made anonymously to the
11 political party committee. If the contribution exceeds \$20, the political party
12 committee shall specify whether the committee donated the contribution to the
13 common school fund or to a charitable organization, and shall include the full name
14 and mailing address of the donee.

15 (e) A statement of totals during the reporting period of contributions received
16 and contributions donated as provided in par. (d).

17 (f) A statement of the cash balance on hand at the beginning and end of the
18 reporting period.

****NOTE: Given that, under the bill, contributions to political action committees
are not limited and that a candidate will report any contribution received by a political
action committee, I eliminated the section requiring political action committees to report
contributions made and received by the committee. Okay?

19 **SECTION 6.** 11.4004 of the statutes is created to read:

*look in and out for
PACS*

20 **11.4004 Reporting by conduits. (1) CONTRIBUTIONS.** Each conduit shall
21 make full reports, upon a form prescribed by the board and signed by the treasurer
22 under s. 11.4000 (2) (c), of the following information covering the period since the last
23 date covered on the previous report::

1 (a) A statement of the sum total of all contributions received by the conduit
2 during the reporting period.

3 (b) A statement of the sum total of all contributions transferred out of the
4 conduit and to committees upon the authorization of contributors.

5 (c) A statement of the sum total of cash on hand at the beginning and end of
6 the reporting period.

7 **SECTION 7.** 11.4005 of the statutes is created to read:

8 **11.4005 Reporting by referendum committees.** (1) CONTRIBUTIONS. Each
9 referendum committee shall make full reports, upon a form prescribed by the board
10 and signed by the treasurer under s. 11.4000 (2) (c), of all contributions received by
11 the committee. The referendum committee shall include in each report the following
12 information, covering the period since the last date covered on the previous report:

13 (a) An itemized statement giving the date, full name, and street address of each
14 person who has made a contribution to the referendum committee, together with the
15 amount of the contribution.

16 (b) The occupation and name of the principal place of employment, if any, of
17 each individual contributor whose cumulative contributions to the referendum
18 committee for the calendar year are in excess of \$100.

19 (c) An itemized statement of each contribution made anonymously to the
20 referendum committee. If the contribution exceeds \$20, the referendum committee
21 shall specify whether the committee donated the contribution to the common school
22 fund or to a charitable organization, and shall include the full name and mailing
23 address of the donee.

****NOTE: Do you want to require referendum committees to donate anonymous
contributions?

1 (e) A statement of totals during the reporting period of contributions received
2 and contributions donated as provided in par. (d).

3 (f) A statement of the cash balance on hand at the beginning and end of the
4 reporting period.

5 SECTION 8. 11.4006 of the statutes is created to read:

6 **11.4006 Reporting of electioneering communications. (1) EXPENDITURES.**

7 Any person, other than a committee, spending \$10,000 or more in the aggregate on
8 electioneering communications, not including administrative expenses, shall submit
9 statements to the board providing all of the following information:

- 10 1. The dates on which the person made the expenditures.
- 11 2. The name and address of the persons who received the expenditures.
- 12 3. The purpose for making the expenditures.
- 13 4. The amount spent for each electioneering communication.
- 14 5. The name of any candidate affected by the expenditure, the office that the
15 candidate seeks, and whether the electioneering communication supports or opposes
16 that candidate.
- 17 6. Whether the person coordinated or consulted with, or received the consent
18 of the candidate or candidate's agent, regarding the expenditure.

19 (b) EXCEPTION. A person who is required to report under this section is not
20 required to submit the information described under sub. (1) regarding expenditures
21 made before reaching the \$10,000 threshold under sub. (1). *— except that see notes*

22 (c) COORDINATION. A person who makes an expenditure for an electioneering
23 communication who coordinates or consults with the candidate or candidate's agent
24 regarding the expenditure, or who receives the consent of the candidate or

1 candidate's agent to make the expenditure, shall report the expenditure as a
2 contribution to the candidate.

3 **SECTION 9.** 11.4007 of the statutes is amended to read:

4 **11.4007 Reporting requirements; schedule for filing reports.**

****NOTE: This section does not specifically address reports for special elections.

****NOTE: This section does not address exceptions to the filing of reports under current law s. 11.05 (2r) or when, as a result of the filing of a termination report, reports are no longer required. (The draft also does not include any provisions governing termination reports).

5 **(1) FILING OFFICER.**

****NOTE: We did not discuss filing officers (who will be assigned to receive the reports required under this subchapter), but I reserved this subsection for a later draft.

****NOTE: For similar reasons, this draft does not incorporate filing fees (required under current law s. 11.055).

6 **(2) PREPRIMARY AND PREELECTION REPORTS; TIMING.** (a) 1. Preprimary and
7 preelection reports required under this section shall be received by the appropriate
8 filing officer no earlier than 14 days and no later than 8 days preceding the primary
9 and the election.

****NOTE: This subsection duplicates current law.

10 2. In the event that any report is required to be filed under this section on a
11 nonbusiness day, it may be filed on the next business day thereafter.

****NOTE: This subsection duplicates current law s. 11.20 (7).

12 (b) A contribution in support of or in opposition to a candidate at a primary
13 which is made, accepted, or incurred during the period covered by the preprimary
14 report is considered to be made, accepted or incurred in support of or in opposition
15 to that candidate at the primary, regardless of whether the candidate is opposed at
16 the primary.

****NOTE: This paragraph is modified (to eliminate for the time being references to "disbursements and obligations") from current law s. 11.20 (3) (f).

*conduit releases
contributions*

1 (c) A contribution in support of or in opposition to a candidate at an election
2 which is made, accepted, or incurred during the period covered by the preelection
3 report is considered to be made, accepted, or incurred in support of or in opposition
4 to that candidate at the election, regardless of whether the candidate is opposed at
5 the election.

****NOTE: This paragraph is modified (to eliminate for the time being references to "disbursements and obligations") from current law s. 11.20 (3) (g).

6 (d) 1. Except as provided in subd. 2., a registrant who makes, accepts, or incurs
7 a contribution in support of or in opposition to a candidate at a primary during the
8 period covered by the preprimary report shall file both the preprimary and
9 preelection reports, regardless of whether the registrant engages in such activity
10 during the period covered by the preelection report.

11 2. a. A conduit, legislative campaign committee, or referendum committee who
12 makes, accepts, or incurs a contribution in support of or in opposition to a candidate
13 at a primary during the period covered by the preelection report, but does not engage
14 in such activity during the period covered by the preprimary report, is not required
15 to file a preprimary report.

16 b. A conduit, legislative campaign committee, or referendum committee who
17 makes, accepts, or incurs a contribution in support of or in opposition to a candidate
18 at an election during the period covered by the report which follows the preelection
19 report, but does not engage in such activity during the period covered by the
20 preelection report, is not required to file a preelection report.

*Anyone except the candidate for the
Acceptance*

****NOTE: This paragraph is modified (to eliminate for the time being references to "disbursements and obligations") from current law s. 11.20 (3) (h), (i), and (j). Do you want the requirements for reporting in subd. 2. a. and b. to apply only to candidate committees and political party committees, or should legislative campaign committees also be required to file under subd. 1.?

SECTION 9

1 **(3) CANDIDATES AT SPRING PRIMARY.** (a) A candidate committee of a candidate
2 at a spring primary shall do all of the following:

3 1. File a preprimary report. If a candidate for a nonpartisan state office at an
4 election is not required to participate in a spring primary, the candidate committee
5 shall file a preprimary report at the time prescribed in sub. (2) preceding the date
6 specified for the holding of the primary, were it to be required.

7 2. File a preelection report.

8 3. Annually in each year of an election cycle, file a report on the 15th day of the
9 month in the months of January, April, July, and October.

 ***NOTE: Is the use of the phrase “election cycle” consistent with your intent?

10 **(4) CANDIDATES AT SPRING ELECTIONS.** A candidate committee of a candidate at
11 a spring election shall do all of the following:

12 (a) File a preelection report.

13 (b) Annually in each year of an election cycle, file a report on the 15th day of
14 the month in the months of January, April, July, and October.

15 **(5) CANDIDATES AT PARTISAN PRIMARY.** A candidate committee of a candidate at
16 a partisan primary shall do all of the following:

17 (a) File a preprimary report.

18 (b) File a preelection report.

19 (c) In an odd-numbered year, file a report on the 15th day of the month in the
20 months of January, April, July, and October.

21 (d) In an even-numbered year, file a report on the 15th day of the month in the
22 months of January, April, and July, and on the 4th Tuesday in September.

23 **(6) CANDIDATES AT GENERAL ELECTIONS.** A candidate committee of a candidate
24 at a general election shall do all of the following:

1 (a) File a preelection report.

2 (b) In an odd-numbered year, file a report on the 15th day of the month in the
3 months of January, April, July, and October.

4 (c) In an even-numbered year, file a report on the 15th day of the month in the
5 months of January, April, and July, and on the 4th Tuesday in September.

6 (7) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT
7 SPRING PRIMARY. A conduit, legislative campaign committee, or political party
8 committee that makes or accepts contributions in support of or in opposition to one
9 or more candidates for office at a spring primary, or that supports or opposes other
10 committees engaging in such activities shall file the reports required under sub. (3).

11 (8) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT
12 SPRING ELECTION. A conduit, legislative campaign committee, or political party
13 committee that makes or accepts contributions in support of or in opposition to one
14 or more candidates for office at a spring election, or that supports or opposes other
15 committees engaging in such activities shall file the reports required under sub. (4).

16 (9) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT
17 PARTISAN PRIMARY. A conduit, legislative campaign committee, or political party
18 committee that makes or accepts contributions in support of or in opposition to one
19 or more candidates for office at a partisan primary, or that supports or opposes other
20 committees engaging in such activities shall file the reports required under sub. (5).

21 (10) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT
22 GENERAL ELECTION. A conduit, legislative campaign committee, or political party
23 committee that makes or accepts contributions in support of or in opposition to one
24 or more candidates for office at a general election, or that supports or opposes other
25 committees engaging in such activities shall file the reports required under sub. (6).

