



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1469/P5
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2 **SECTION 1.** Chapter 11 of the statutes is repealed and recreated to read: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 about whom any of the following applies:

9 (a) The individual takes any of the following affirmative actions to seek
10 nomination or election to a state or local office:

SECTION 1

1 1. Files nomination papers with the appropriate filing officer.

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

4 3. Subject to the registration requirements under s. 11.4003, receives a
5 contribution, makes an expenditure, or gives consent for another person to receive
6 a contribution or make an expenditure in order to bring about the individual's
7 nomination or election to a state or local office.

 ****NOTE: The portion of this definitional component related to bringing about the nomination of an individual seems to conflict with the prohibition on a candidate receiving contributions and making disbursements unless the candidate is registered. I added the phrase "subject to the registration requirements under s. 11.4003, but I'm not sure whether a contribution or disbursement "to bring about the individual's nomination..." is substantively or substantially different than what is required "for the production of nomination papers."

 ****NOTE: Would it be better to simply eliminate reference to nomination under this subdivision?

8 (b) The individual holds a state or local office and is the subject of a recall
9 petition.

10 (c) The individual holds a state or local office, unless the individual is legally
11 prohibited from seeking reelection or files a declaration of noncandidacy.

 ****NOTE: I modified this definition both to make the intro consistent with the underlying paragraphs and also, with respect to par. (a) 3., to make the receipt of contributions and the making of expenditures subject to the registration requirements.

12 (2) "Candidate committee" means a committee authorized by a candidate or a
13 candidate's agent to accept contributions or make expenditures in support of a
14 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?

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

1 candidate committee, but does not include an employee of a political party committee
2 or a legislative campaign committee that is not also an employee of the candidate.

3 (4) "Committee" means a candidate committee, legislative campaign
4 committee, political action committee, political party committee, recall committee,
5 and referendum committee.

6 (5) "Conduit" means a person other than an individual that receives a
7 contribution of money and transfers the contribution to a candidate committee,
8 legislative campaign committee, or political party committee without exercising
9 discretion as to the amount that is transferred and the committee to which the
10 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."

****NOTE: Do you want to specify that the conduit receives a contribution "from an
individual or committee?"

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

- 12 1. A gift, subscription, loan, advance, or transfer of money to a committee. ?
13 2. A transfer of tangible personal property or services to a ^{candidate or} committee valued
14 at fair market value at the time of transfer.

****NOTE: In an effort to distinguish services that are contributions under this
subdivision from services that are not contributions under par. (b) 1., I added "valued at
fair market value at the time of transfer" to this subdivision ("replacement value" appears
in current law and in the "A" draft.). Okay?

Also, would it be appropriate, for further clarification, to indicate that the
contributor valued the services at fair market value at the time of transfer?

- 15 3. A transfer of funds between committees.
16 4. The purchase of a ticket for a fundraising event for a committee regardless
17 of whether the ticket is used to attend the event.

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

*conflict
and
units in
last of bill*

SECTION 1

1 1. Services that an individual provides to a committee, if the individual is not
2 specifically compensated for providing the services *to that committee*

 ****NOTE: I don't know that we resolved how to ensure that this subdivision, exempting certain voluntary services from being considered contributions, would capture certain professional services, such as serving as a committee treasurer. Note that a person who contributes services as a treasurer under par. (a) 2. makes a *contribution* (in part because the individual values the services at fair market value at time of transfer), but just like the person who would provide voluntary services under this subdivision, the person making the contribution under par. (a) 2. does not get paid for those services.

3 2. Any unreimbursed travel expenses that an individual incurs to volunteer his
4 or her personal services to a committee.

5 3. The costs of preparing and transmitting personal correspondence.

6 4. Interest earned on an interest-bearing account.

7 5. Rebates or awards earned in connection with the use of a debit or credit card.

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

10 7. The reuse of surplus materials or the use of unused surplus materials
11 acquired in connection with a previous campaign for or against the same candidate,
12 political party, or recall if the materials were previously reported as a contribution
13 under s. 11.3000.

 ****NOTE: I modified this definition in response to our discussion about "stakes" last week. The version in the previous draft did not require the materials to have been reported as a contribution. Is this change appropriate?

 Also, did you intend that, in the case of a candidate's surplus materials, that only that same candidate could reuse or use the materials? Or, did you intend that the candidate could pass along the surplus materials to another candidate or to the candidate's political party? Under current law, the candidate or political party that reuses the materials must be the same as the candidate or party who first reported the materials as a contribution.

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

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

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

11 9 10. An independent expenditure.

12 10 11. An electioneering communication.

13 (7) (a) "Disbursement" means any of the following:

14 1. An expenditure by a committee from a campaign depository account.

15 2. The transfer of tangible personal property or services by a committee or
16 conduit.

17 3. The transfer of funds between committees and conduits.

18 (b) "Disbursement" does not include an expenditure by an organization that is
19 sponsoring a conduit or committee for the purpose of soliciting contributions to the
20 conduit or committee.

21 (8) (a) "Electioneering communication" means any communication, except as
22 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 period beginning on the first date for circulating
4 nomination papers for the candidate and ending on the day of the primary or election
5 involving the candidate in subd. 1.

6 3. It is targeted to the relevant electorate.

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

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

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

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

17 3. A communication made exclusively between an organization and its
18 members.

19 (9) "Express advocacy" means all of the following:

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

22 1. "Vote for".

23 2. "Elect".

24 3. "Support".

25 4. "Cast your ballot for".

Handwritten notes:
11-1001
def of "legis campaign"

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

2 6. "Vote against".

3 7. "Defeat".

4 8. "Reject".

5 9. "Cast your ballot against".

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

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

15 (11) "Independent expenditure" means an expenditure for express advocacy by
16 a person other than a committee, if the expenditure is not made in coordination with
17 a candidate, candidate committee, candidate's agent, legislative campaign
18 committee, or political party committee, as prohibited under s. 11.5000.

Handwritten note: note note the change & the last one way not need def.

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

21 (13) "Major purpose" means a person's major purpose as specified in the
22 person's organizational documents or as indicated by the person.

23 (14) "Partisan primary" means the primary held the 2nd Tuesday in August
24 to nominate candidates to be voted for at the general election or a special primary
25 held to .

1 (15) (a) Subject to par. (b), “political action committee” means an entity that
2 satisfies all of the following:

- 3 1. Has express advocacy as its major purpose.
4 2. Is organized by any person, other than an individual, or by any combination,
5 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.

6 3. Makes or accepts contributions or makes expenditures to support or oppose
7 a candidate, to a candidate committee, to a legislative campaign committee, to a
8 political party committee, or to a recall committee.

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

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

14 (17) “Recall committee” means a means a committee formed for the purpose of
15 encouraging and facilitating the signing of a recall petition under s. 9.10.

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

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

move to definitions

1 (1) The “filing officer” for each candidate for state office is the board.

2 (2) Except as provided in sub. (3), the “filing officer” for each candidate for local
3 office is the clerk of the most populous jurisdiction for which any candidate who is
4 supported or opposed seeks office.

5 (3) The “filing officer” for each candidate for municipal judge elected under s.
6 755.01 (4) is the county clerk or board of election commissioners of the county having
7 the largest portion of the population in the jurisdiction served by the judge.

8 (4) The “filing officer” for each conduit is the board.

9 (5) The “filing officer” for each committee acting to support or oppose any
10 candidate for state office is the board.

11 (6) The “filing officer” for each committee acting to support or oppose any
12 candidates for state and local offices is the board.

13 (7) Except as provided in sub. (8), the filing officer for each committee acting
14 to support or oppose any candidate for local office, but not any candidate for state
15 office, is the clerk of the most populous jurisdiction for which any candidate who is
16 supported or opposed seeks office.

17 (8) The “filing officer” for each committee acting to support or oppose a
18 candidate for municipal judge elected under s. 755.01 (4), but not any candidate for
19 state office, is the county clerk or board of election commissioners of the county
20 having the largest portion of the population in the jurisdiction served by the judge.

21 (9) The “filing officer” for a committee that supports or opposes an effort to
22 circulate and file a petition to recall an individual who holds an office is the filing
23 officer for candidates for that office.

24 (10) The “filing officer” for each committee acting to support or oppose any
25 statewide referendum is the board.

1 (11) The “filing officer” for each committee acting to support or oppose any
2 statewide and local referenda is the board.

3 (12) The “filing officer” for each committee acting to support or oppose any local
4 referendum, but not any statewide referendum, is the clerk of the most populous
5 jurisdiction in which any referendum being supported or opposed is conducted.

6 (13) If the jurisdiction under sub. (2), (7), or (12) is a school district, the “filing
7 officer” for purposes of sub. (2), (7), or (12) is the school district clerk.

8 **11.2001 Registration; treasurer and depositories.** (1) (a) Except as
9 provided in par. (b), each candidate, committee, and conduit required to register
10 under this subchapter shall designate a treasurer to comply with the registration
11 requirements under this subchapter.

12 (b) A candidate may appoint a treasurer of his or her candidate committee. If
13 the candidate does not appoint a treasurer, the candidate shall serve as the treasurer
14 and shall comply with the registration requirements under this subchapter. If the
15 candidate appoints a treasurer, the candidate and the candidate’s treasurer shall
16 cosign the registration statement of the candidate’s committee.

17 (2) The treasurer shall deposit all funds received in the committee or conduit
18 depository account. Any committee which is organized or acts with the cooperation
19 of or upon consultation with a candidate or agent or authorized committee of a
20 candidate, or which acts in concert with or at the request or suggestion of a candidate
21 or agent or authorized committee of a candidate is considered a subcommittee of the
22 candidate’s personal campaign committee for purposes of this subchapter.

23 (3) No disbursement may be made or obligation incurred by or on behalf of a
24 committee without the authorization of the treasurer or a designated agent. No
25 contribution may be accepted and no disbursement may be made or obligation

duplicate for each actor

1 incurred by any committee other than a candidate committee at a time when there
2 is a vacancy in the office of treasurer.

****NOTE: This subsection may need to be moved when we draft the sections governing disbursements.

3 **11.2002 Registration; required information. (1) REQUIRED INFORMATION.**

4 The statement of registration shall include all of the following, where applicable:

5 (a) The name and mailing address of the conduit or committee.

6 (b) In the case of a committee, a statement as to whether the committee is a
7 candidate committee, a legislative campaign committee, a political party committee,
8 a political action committee, a recall committee, or a referendum committee.

9 (c) The name and mailing address of the campaign treasurer and any other
10 custodian of books and accounts. Unless otherwise directed by the treasurer on the
11 registration form and except as otherwise provided in this chapter or any rule of the
12 board, all mailings which are required by law or by rule of the board shall be sent to
13 the treasurer at the treasurer's address indicated upon the form.

14 (d) The name, mailing address, and position of other principal officers,
15 including officers and members of a finance committee, if any.

16 (e) In the case of a candidate committee of an independent candidate for
17 partisan office or a candidate for nonpartisan county or municipal office, a list of the
18 members of the committee, in addition to those specified in pars. (c) and (d), if any,
19 whom the filing officer shall recognize as eligible to fill a nomination vacancy if the
20 candidate dies before the election.

21 (f) The name and address of the depository account of the conduit or committee
22 and of any other institution where funds of the conduit or committee are kept.

****NOTE: Under current law, only the "campaign depository account" must be identified. I changed this to require all conduits and committees to identify the depository account. Okay?

1 (g) In the case of a legislative campaign committee, a statement signed by the
2 leader of the party in the house for which the committee is established attesting to
3 the fact that the committee is the only authorized legislative campaign committee
4 for that party in that house.

this is current law

→ *****NOTE:** I don't recall; did you intend that there would be only one legislative campaign committee? *yes*

5 (h) In the case of a conduit, the name and mailing address of a sponsor, as
6 defined in [current law s. 11.185 (1)], to which contributions may be redirected as
7 provided under [current law s. 11.185].

*****NOTE:** I included this paragraph in the draft and also included the text from current law s. 11.185 to the conduit reporting section (s. 11.400_).

8 (i) The nature of any referendum which is supported or opposed.

[Handwritten mark]

9 (j) In the case of a labor organization or conduit established by a labor
10 organization, a statement as to whether the organization is incorporated and, if so,
11 the date of incorporation and whether or not such incorporation is under ch. 181.

*****NOTE:** This paragraph appears in current law s. 11.05 (3) (n); is it needed?

12 **(2) CERTIFICATION.** Every statement and every change made in a statement
13 filed under this section shall contain a certification signed by the individual filing the
14 statement that all information contained in the statement is true, correct, and
15 complete.

16 **(3) CHANGE OF INFORMATION.** (a) Any change in information previously
17 submitted in a registration statement shall be reported by the registrant to the
18 appropriate filing officer within 10 days following the change. Except as provided
19 in par. (b), any such change may be reported only by the individual or by the officer
20 who has succeeded to the position of an individual who signed the original statement.

1 (b) 1. A candidate or the treasurer of the candidate's committee may report a
2 change in the candidate committee's registration statement.

3 2. The chief executive officer or treasurer indicated on the registration
4 statement of a committee other than a campaign committee may report a change in
5 the committee's registration statement.

6 **11.2003 Registration; candidate committees. (1) TIME OF REGISTRATION.**
7 Every individual shall file a registration statement with the appropriate filing officer
8 giving the information required under s. 11.2002 no later than the time he or she
9 qualifies as a candidate under s. 11.1000 (1).

10 **(2) CANDIDATE COMMITTEE REQUIRED.** (a) Except as provided in par. (b), no
11 candidate may accept contributions or make expenditures except through a
12 candidate committee registered under this subsection.

13 (b) A candidate does not violate this subsection by taking any of the following
14 actions:

15 1. Accepting a contribution and making a disbursement in the amount required
16 to rent a postal box, or in the minimum amount required by a bank or trust company
17 to open a checking account, prior to the time of registration, if the disbursement is
18 properly reported on the first report submitted under s. 11.400_ after the date that
19 the candidate committee is registered, whenever a reporting requirement applies to
20 the candidate committee.

21 2. Accepting a contribution and making a disbursement required for the
22 production of nomination papers.

****NOTE: Your drafting instructions directed me to maintain the current law exception from expenditure prohibition before registration for "the production of nomination papers." I found nothing in current law (statutes or administrative code) that exempted a candidate from making an expenditure related to the production of nomination papers before the candidate registers. I'm not sure what the "production of

nomination papers" would entail. Is this merely photocopying or does it involve something more?

lead office

1 **(3)** No candidate may establish more than one candidate committee. A
2 candidate committee may have subcommittees provided that all subcommittees
3 have the same treasurer and that treasurer is the candidate or candidate's campaign
4 treasurer.

*not sure what to do re subcommittees
- do we need*

5 **(4)** A candidate who receives no contributions and makes no disbursements
6 shall file the registration statement as provided in this section, but need not
7 designate a campaign depository account until the first contribution is received or
8 disbursement made.

9 **11.2004 Registration; political party committees and legislative**
10 **campaign committees.** Every political party committee or legislative campaign
11 committee which makes or accepts contributions, incurs obligations, or makes
12 disbursements to support or oppose a candidate in a calendar year shall, upon its
13 inception and prior to making or accepting any such contribution, incurring any such
14 obligation, or making any such disbursement, file a registration statement with the
15 appropriate filing officer giving the information required by s. 11.2002.

16 **11.2005 Registration; conduits.** Every conduit which accepts and releases
17 contributions to support or oppose a candidate in a calendar year shall, upon its
18 inception and prior to accepting or releasing any such contribution, file a registration
19 statement with the appropriate filing officer giving the information required by s.
20 11.2002.

21 **11.2006 Registration; political action committees.** (1) Except as provided
22 in s. 9.10 (2) (d), every political action committee which makes or accepts
23 contributions, incurs obligations, or makes disbursements to support or oppose a

1 candidate in a calendar year in an aggregate amount in excess of \$2,500 shall file a
2 registration statement with the appropriate filing officer giving the information
3 required by s. 11.2002.

4 (2) A political action committee that triggers the registration requirement
5 under sub. (1) shall file the registration statement with the appropriate filing officer
6 no later than the 10th business day commencing after receipt of the first contribution
7 by the political action committee exceeding the amount specified under sub. (1) and
8 before making any disbursement exceeding that amount.

9 **11.2007 Registration; referendum committees.** (1) Every referendum
10 committee which makes or accepts contributions, incurs obligations, or makes
11 disbursements for the purpose of influencing a particular vote at a referendum in a
12 calendar year in an aggregate amount in excess of \$10,000 shall file a registration
13 statement with the appropriate filing officer giving the information required by s.
14 11.2002.

15 (2) A referendum committee that triggers the registration requirement under
16 sub. (1) shall file the registration statement with the appropriate filing officer no
17 later than the 10th business day commencing after receipt of the first contribution
18 by the referendum committee exceeding the amount specified under sub. (1) and
19 before making any disbursement exceeding that amount.

***NOTE: Do you want s. 9.10 (2) (d) to trigger registration of a recall committee?

20 SUBCHAPTER III

21 CONTRIBUTIONS

22 **11.3000 Contribution limits; exceptions.** (1) INDIVIDUAL LIMITS. An
23 individual may contribute to a candidate committee no more than the following

individual
committee

1 amounts specified for the candidate whose nomination or election the
2 supports:

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

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

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

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

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

10 (f) Candidates for circuit judge in circuits having a population of more than
11 300,000, or candidates for district attorney in prosecutorial units having a
12 population of more than 300,000, \$9,000.

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

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

- 16 1. Seven hundred fifty dollars. *\$600*
- 17 2. Three cents times the number of inhabitants of the jurisdiction or district,
18 according to the latest federal census or the census information on which the district
19 is based, as certified by the appropriate filing officer, but not more than \$9,000. *3/4 of 3 cents*
\$7500

20 (2) CANDIDATE COMMITTEES. A candidate committee may contribute to another
21 candidate committee no more than the following amounts specified for the candidate
22 whose nomination or election the committee supports:

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

25 (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. *\$600*
- 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~~ *\$7,500*.

15 **(3) OTHER PERSONS.** A person, other than an individual or committee, may
16 contribute to a candidate committee no more than the following amounts specified
17 for the candidate whose nomination or 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 (4) POLITICAL ACTION COMMITTEES. A political action committee may contribute
12 to a candidate committee no more than the following amounts specified for the
13 candidate whose nomination or election the committee supports:

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

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

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

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

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

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

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

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

SECTION 1

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

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

7 1. Seven hundred fifty dollars. ^{\$600}

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. ^{\$7,500}

11 *new section* (5) APPLICABLE TIME PERIODS. (a) For an individual who is a candidate for an
12 office that the individual holds, the limits under subs. (1) to (4) apply during the term
13 of that office.

14 (b) For an individual who is a candidate for an office that the individual does
15 not hold, the limits under subs. (1) to (4) apply during the period beginning on the
16 date on which the individual becomes a candidate under s. 11.1000 (1) (a) and ending
17 on the day of the election for that office.

*look at
OTB
manual
|
cor
down
the
manual
↓*

****NOTE: This is the first attempt at trying to pin down the relevant period during
which the limits would apply. We assume it will need some fine tuning.

18 *new section* (6) EXCEPTIONS. The limits under subs. (1) to (4) do not apply to any of the
19 following:

20 (a) Contributions to a political action committee.

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

21 (b) Contributions transferred between political action committees.

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

1 2. A political action committee may contribute no more than \$18,000 in any
2 calendar year to a legislative campaign committee.

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

5 2. A political action committee may contribute no more than \$18,000 in any
6 calendar year to a political party committee.

7 (e) Contributions transferred from a political party committee or legislative
8 campaign committee to a candidate committee.

9 (f) Contributions paid to a segregated fund established and administered by a
10 political party committee or legislative campaign committee to finance the purchase,
11 lease, maintenance, or improvement of space for exclusive use by the political party
12 committee or legislative campaign committee.

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

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

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

20 (j) Contributions used to pay legal fees and other expenses incurred in
21 connection with or in response to circulating, offering to file, or filing a petition to
22 recall an office holder prior to the time that a recall primary or election is ordered,
23 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

1 subsection applies notwithstanding the fact that the contribution is not deposited in
2 the campaign depository account by the closing date for the reporting period.

agent

reporting mtd

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

***NOTE: Do you want to split the 30 day time period into two 15 day periods? For example, do you want to require the agent to transmit the contribution within 15 days of receipt and the treasurer to report the contribution within 30 days of the agent's receipt? Without splitting the time period, and without extending the 30 days beyond the 30 days granted to the agent, it is possible that the treasurer would not be able to report the contribution in a timely manner.

wordmaster

report throughout

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 Each 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.

General provisions added

subd T

****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)).

1 (b) Each report shall be filed with the appropriate filing officer on the dates
2 designated in this subchapter. [PLACEHOLDER – no dates yet].

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

5 2. Either the candidate or the treasurer of the candidate’s committee shall
6 certify to the correctness of each report filed under this subchapter.

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

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

18 (4) RETURN OF CONTRIBUTIONS. (a) A committee required to report under this
19 subchapter may return a contribution at any time before or after it has been
20 deposited.

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

** subd IX*

sub X

1 2. A committee that accepts a contribution contrary to law and that returns the
2 contribution deposited contrary to law within 15 days after the filing date for the
3 reporting period in which the contribution is received does not violate the
4 contribution limits under subchapter III.

***NOTE: Under this subd. 2., the recipient of the surplus contribution must return the contribution 15 days after the report is due. Does that accomplish your intent? Does the surplus contribution have to be reported? If not, how will the GAB know that the contribution was received and is being returned?

5 **11.4002 Reporting requirements; schedule for filing reports.**

***NOTE: This section does not yet address exceptions to the filing of reports 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).

***NOTE: Subsection (1) duplicates the filing officers identified under s. 11.2000.

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- 6 (1) **FILING OFFICER.** Each committee and conduit required to report under this
- 7 subchapter shall have one filing officer. The officer shall be determined as follows:
- 8 (a) The "filing officer" for each candidate for state office is the board.
- 9 (b) Except as provided in sub. (3), the "filing officer" for each candidate for local
- 10 office is the clerk of the most populous jurisdiction for which any candidate who is
- 11 supported or opposed seeks office.
- 12 (c) The "filing officer" for each candidate for municipal judge elected under s.
- 13 755.01 (4) is the county clerk or board of election commissioners of the county having
- 14 the largest portion of the population in the jurisdiction served by the judge.
- 15 (d) The "filing officer" for each conduit is the board.
- 16 (e) The "filing officer" for each committee acting to support or oppose any
- 17 candidate for state office is the board.
- 18 (f) The "filing officer" for each committee acting to support or oppose any
- 19 candidates for state and local offices is the board.

SECTION 1

1 (g) Except as provided in sub. (8), the filing officer for each committee acting
2 to support or oppose any candidate for local office, but not any candidate for state
3 office, is the clerk of the most populous jurisdiction for which any candidate who is
4 supported or opposed seeks office.

5 (h) The “filing officer” for each committee acting to support or oppose a
6 candidate for municipal judge elected under s. 755.01 (4), but not any candidate for
7 state office, is the county clerk or board of election commissioners of the county
8 having the largest portion of the population in the jurisdiction served by the judge.

9 (i) The “filing officer” for a committee that supports or opposes an effort to
10 circulate and file a petition to recall an individual who holds an office is the filing
11 officer for candidates for that office.

12 (j) The “filing officer” for each committee acting to support or oppose any
13 statewide referendum is the board.

14 (k) The “filing officer” for each committee acting to support or oppose any
15 statewide and local referenda is the board.

16 (L) The “filing officer” for each committee acting to support or oppose any local
17 referendum, but not any statewide referendum, is the clerk of the most populous
18 jurisdiction in which any referendum being supported or opposed is conducted.

19 (m) If the jurisdiction under sub. (2), (7), or (12) is a school district, the “filing
20 officer” for purposes of sub. (2), (7), or (12) is the school district clerk.

****NOTE: This draft does not yet incorporate filing fees (required under current law
s. 11.055).

21 (2) PREPRIMARY AND PREELECTION REPORTS; TIMING; INACTIVITY. (a) 1. Preprimary
22 and preelection reports required under this section shall be received by the

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1 appropriate filing officer no earlier than 14 days and no later than 8 days preceding
2 the primary and the election.

***NOTE: This subsection duplicates current law.

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

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

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

10 (c) A contribution in support of or in opposition to a candidate at an election
11 which is made, accepted, or incurred during the period covered by the preelection
12 report is considered to be made, accepted, or incurred in support of or in opposition
13 to that candidate at the election, regardless of whether the candidate is opposed at
14 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).

15 (d) 1. Except as provided in subd. 2., a conduit that releases or a committee that
16 makes, accepts, or incurs a contribution in support of or in opposition to a candidate
17 at a primary during the period covered by the preprimary report shall file both the
18 preprimary and preelection reports, regardless of whether the registrant engages in
19 such activity during the period covered by the preelection report.

20 2. a. A conduit that releases and a committee other than a candidate committee
21 that makes, accepts, or incurs a contribution in support of or in opposition to a

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 1 candidate at a primary during the period covered by the preelection report, but does
 2 not engage in such activity during the period covered by the preprimary report, is not
 3 required to file a preprimary report.

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 4 b. A conduit that releases and a committee other than a candidate committee
 5 that makes, accepts, or incurs a contribution in support of or in opposition to a
 6 candidate at an election during the period covered by the report which follows the
 7 preelection report, but does not engage in such activity during the period covered by
 8 the preelection report, is not required to file a preelection report.

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 ****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.?

9 **(3) CANDIDATES AT SPRING PRIMARY.** A candidate committee of a candidate at a
 10 spring primary or of a candidate at a special primary held to nominate nonpartisan
 11 candidates to be voted for at a special election held to fill a vacancy in one or more
 12 of the nonpartisan state or local offices voted for at the spring election shall do all of
 13 the following:

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

18 (b) File a preelection report.

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

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

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1 **(4) CANDIDATES AT SPRING ELECTIONS.** A candidate committee of a candidate at
2 a spring election or of a candidate at a special election held to fill a vacancy in one
3 or more of the nonpartisan state or local offices voted for at the spring election shall
4 do all of the following:

5 (a) File a preelection report.

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

8 **(5) CANDIDATES AT PARTISAN PRIMARY.** A candidate committee of a candidate at
9 a partisan primary or of a special primary held to nominate candidates to be voted
10 for at a special election held to fill a vacancy in one or more of the state or local offices
11 voted for at the general election shall do all of the following:

12 (a) File a preprimary report.

13 (b) File a preelection report.

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

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

What about senators not up to election?
of election does not apply

18 **(6) CANDIDATES AT GENERAL ELECTIONS.** A candidate committee of a candidate
19 at a general election or of a candidate at a special election held to fill a vacancy in one
20 or more of the state or local offices voted for at the general election shall do all of the
21 following:

22 (a) File a preelection report.

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

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

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

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

15 (9) OTHER REGISTRANTS; REPORTS IN SUPPORT OF OR OPPOSITION TO CANDIDATES AT
16 PARTISAN PRIMARY. A conduit that releases or a legislative campaign committee,
17 political party committee, political action committee, or recall committee that makes
18 or accepts contributions in support of or in opposition to one or more candidates for
19 office at a partisan primary, or that supports or opposes other committees engaging
20 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 that releases or a legislative campaign committee,
23 political party committee, political action committee, or recall committee that makes
24 or accepts contributions in support of or in opposition to one or more candidates for

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1 office at a general election, or that supports or opposes other committees engaging
2 in such activities shall file the reports required under sub. (6).

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

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

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

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

19 **11.4003 General reporting exemptions.** (1) CANDIDATE COMMITTEES. (a)
20 Any candidate committee which does not anticipate accepting contributions, making
21 disbursements or incurring obligations in an aggregate amount in excess of \$1,000
22 in a calendar year and does not anticipate accepting any contribution or
23 contributions from a single source, other than contributions made by a candidate to
24 his or her own campaign, exceeding \$100 in that year may indicate on its registration
25 statement that the candidate committee will not accept contributions, incur

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1 obligations, or make disbursements in the aggregate in excess of \$1,000 in any
2 calendar year and will not accept any contribution or contributions from a single
3 source, other than contributions made by a candidate to his or her own campaign,
4 exceeding \$100 in that year. Any candidate committee making an indication under
5 this paragraph is not subject to any reporting requirement under this subchapter if
6 the statement is true.

7 (b) A candidate committee that makes an indication under par. (a) is not
8 required to file a termination report.

9 (c) The indication under par. (a) may be revoked. If the candidate committee
10 revokes the indication under par. (a), the candidate committee is subject to the
11 reporting requirements under this subchapter as of the date of revocation, or the date
12 that aggregate contributions, disbursements, or obligations for the calendar year
13 exceed \$1,000, or the date on which the candidate committee accepts any
14 contribution or contributions exceeding \$100 from a single source, other than
15 contributions made by a candidate to his or her own campaign, during that year,
16 whichever is earlier. If the revocation is not timely, the candidate committee violates
17 [current law s. 11.27 (1)].

****NOTE: This reporting exemption is taken from current law s. 11.05 (2r). I
created a parallel provision for all committees other than campaign committees (political
party committees, legislative campaign committees, political action committees, recall
committees, and referendum committees). There will likely be other exemptions folded
into this section.

18 (2) COMMITTEES OTHER THAN CANDIDATE COMMITTEES. (a) Any committee other
19 than a candidate committee which does not anticipate accepting contributions,
20 making disbursements or incurring obligations in an aggregate amount in excess of
21 \$1,000 in a calendar year and does not anticipate accepting any contribution or
22 contributions from a single source exceeding \$2,500 in that year may indicate on its

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1 registration statement that the committee will not accept contributions, incur
2 obligations, or make disbursements in the aggregate in excess of \$1,000 in any
3 calendar year and will not accept any contribution or contributions from a single
4 source exceeding \$2,500 in that year. Any committee making an indication under
5 this paragraph is not subject to any reporting requirement under this subchapter if
6 the statement is true.

7 (b) A committee that makes an indication under par. (a) is not required to file
8 a termination report.

9 (c) The indication under par. (a) may be revoked. If the committee revokes the
10 indication under par. (a), the committee is subject to the reporting requirements
11 under this subchapter as of the date of revocation, or the date that aggregate
12 contributions, disbursements, or obligations for the calendar year exceed \$1,000, or
13 the date on which the committee accepts any contribution or contributions exceeding
14 \$2,500 from a single source during that year, whichever is earlier. If the revocation
15 is not timely, the committee violates [current law s. 11.27 (1)].

16 **11.4004 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.

SECTION 1

****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 **11.4005 Reporting by legislative campaign committees. (1)**

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

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

1 (b) An itemized statement giving the date, full name, and street address of each
2 candidate and committee to which the legislative campaign committee has made a
3 contribution, together 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 legislative
6 campaign committee for the calendar year are in excess of \$100.

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

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

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

16 **11.4006 Reporting by political party committees. (1) CONTRIBUTIONS.**
17 Each political party committee shall make full reports, upon a form prescribed by the
18 board and signed by the treasurer under s. 11.4000 (2) (c), of all contributions made
19 and received by the committee. The political party committee shall include in each
20 report the following information, covering the period since the last date covered on
21 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 political party committee, together with
24 the amount of the contribution.

SECTION 1

1 (b) An itemized statement giving the date, full name, and street address of each
2 candidate and committee to which the political party committee has made a
3 contribution, together 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 political party
6 committee for the calendar year are in excess of \$100.

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

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

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

16 **11.4007 Reporting by political action committees. (1) CONTRIBUTIONS.**
17 Each political action committee shall make full reports, upon a form prescribed by
18 the board and signed by the registrant under s. 11.4000 (2) (c), of all contributions
19 made and received by the committee. The political action committee shall include
20 in each report the following information, covering the period since the last date
21 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 political action committee, together with
24 the amount of the contribution.

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

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

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

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

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

16 **11.4008 Reporting by conduits. (1) CONTRIBUTIONS.** Each conduit shall
17 make full reports, upon a form prescribed by the board and signed by the treasurer
18 under s. 11.4000 (2) (c), of the following information covering the period since the last
19 date covered on the previous report::

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

22 (b) A statement of the sum total of all contributions released by the conduit and
23 to committees upon the authorization of contributors.

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

1 (2) (a) In this subsection, “sponsor” means a committee, including a legislative
2 campaign committee, political party committee, recall committee, and referendum
3 committee, but excluding a candidate committee and political action committee, that
4 is associated with a conduit.

5 (b) A conduit may redirect any contribution received from a person or
6 committee to a sponsor or, if there is no sponsor, to an administrative fund of the
7 conduit if all of the following apply:

8 1. The conduit has held the contribution for at least 24 consecutive months,
9 including the 24 months immediately preceding the effective date of this subdivision
10 [LRB inserts date], over which time the individual or organization that made the
11 contribution has made no contact with the conduit.

12 2. Either of the following apply:

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

1 organization at least 10 times if all 10 attempted contacts occur within a period of
2 30 consecutive days.

3 b. The surviving spouse or executor of the estate of a deceased individual that
4 made the contribution authorizes the redirection of the contribution.

5 (c) If a conduit redirects a contribution under this section, the conduit shall
6 include in its report under this section for the reporting period during which the
7 contribution is redirected the information about the original contributor required for
8 reporting purposes under s. 11.200_ for the dates on which the contribution is
9 received and redirected and whether the contribution is redirected to a sponsor or to
10 an administrative fund of the conduit.

11 **11.4009 Reporting by recall committees.** (1) CONTRIBUTIONS. Each recall
12 committee shall make full reports, upon a form prescribed by the board and signed
13 by the registrant under s. 11.4000 (2) (c), of all contributions made and received by
14 the committee. The recall committee shall include in each report the following
15 information, covering the period since the last date covered on the previous report:

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

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

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

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

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 **11.4010 Reporting by referendum committees.** (1) CONTRIBUTIONS. Each
11 referendum committee shall make full reports, upon a form prescribed by the board
12 and signed by the treasurer under s. 11.4000 (2) (c), of all contributions received by
13 the committee. The referendum committee shall include in each report the following
14 information, covering the period since the last date covered on the previous report:

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

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

21 (c) An itemized statement of each contribution made anonymously to the
22 referendum committee. If the contribution exceeds \$20, the referendum committee
23 shall specify whether the committee donated the contribution to the common school
24 fund or to a charitable organization, and shall include the full name and mailing
25 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.

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11.4011 Reporting of electioneering communications. (1) EXPENDITURES.

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

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

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

21 (c) COORDINATION. A person who makes an expenditure for an electioneering
22 communication who coordinates or consults with the candidate or candidate's agent
23 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 SUBCHAPTER V

4 PROHIBITED PRACTICES

5 **[take one] 11.5000 Coordination.** No person may make an expenditure for
6 express advocacy in cooperation, consultation, or concert with, or at the request or
7 suggestion of, a candidate, candidate committee, candidate's agent, legislative
8 campaign committee, or political party committee or allow a candidate, candidate
9 committee, candidate's agent, legislative campaign committee, or political party
10 committee to become materially involved in decisions regarding an expenditure
11 made for express advocacy or to share in financial responsibility for the costs of
12 producing and disseminating the express advocacy.

****NOTE: This provision is based on language used to define "independent
expenditure" under the Code of Federal Regulations, 11 CFR, section 100.16.

13 **[take two] 11.5000 Coordination.** No person may make an expenditure for
14 express advocacy that is coordinated with a candidate, candidate committee,
15 candidate's agent, legislative campaign committee, or political party committee. For
16 purposes of this subsection, express advocacy is coordinated with a candidate,
17 candidate committee, candidate's agent, legislative campaign committee, or political
18 party committee if the candidate, candidate committee, candidate's agent,
19 legislative campaign committee, or political party committee exercises control over;
20 or engages in substantial discussions or negotiations with the person making the
21 expenditure regarding; any of the following:

- 22 1. The communication's content.
- 23 2. The communication's timing.

