

1 (3) No disbursement may be made or obligation incurred by or on behalf of a
2 recall committee without the authorization of the treasurer or a designated agent.

3 **11.8001 Registration; timing.** (1) Every recall committee that makes or
4 accepts contributions, incurs obligations, or makes disbursements to support or
5 oppose a recall in a calendar year in an aggregate amount in excess of \$2,500 shall
6 file a registration statement giving the information required by s. 11.8002.

7 (2) A recall committee that triggers the registration requirement under sub.
8 (1) shall file the registration statement no later than the 10th business day
9 commencing after receipt of the first contribution by the recall committee exceeding
10 the amount specified under sub. (1) and before making any disbursement exceeding
11 that amount.

12 **11.8002 Registration; required information.** (1) REQUIRED INFORMATION.
13 The statement of registration shall include all of the following, where applicable:

14 (a) The name and mailing address of the recall committee.

15 (b) The name and mailing address of the treasurer and any other custodian of
16 books and accounts. Unless otherwise directed by the treasurer on the registration
17 form and except as otherwise provided in this chapter or any rule of the board, all
18 mailings that are required by law or by rule of the board shall be sent to the treasurer
19 at the treasurer's address indicated upon the form.

20 (c) The name and address of the depository account of the recall committee and
21 of any other institution where funds of the committee are kept.

22 (2) CERTIFICATION. Every statement and every change made in a statement
23 filed under this section shall contain a certification signed by the individual filing the
24 statement that all information contained in the statement is true, correct, and
25 complete.

1 **(3) CHANGE OF INFORMATION.** (a) Any change in information previously
2 submitted in a registration statement shall be reported by the recall committee
3 within 10 days following the change. Except as provided in par. (b), any such change
4 may be reported only by the individual or by the officer who has succeeded to the
5 position of an individual who signed the original statement.

6 (b) The chief executive officer or treasurer indicated on the registration
7 statement of a recall committee may report a change in the committee's registration
8 statement.

9 **11.8003 Reporting.** **(1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each recall
10 committee shall make full reports, upon a form prescribed by the board and signed
11 by the registrant under s. 11.1002 (3) (c), of all contributions made and received by
12 the committee. The recall committee shall include in each report the following
13 information, covering the period since the last date covered on the previous report:

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

17 2. An itemized statement giving the date, full name, and street address of each
18 candidate and committee to which the recall committee has made a contribution,
19 together with the amount of the contribution.

20 3. The name and address of the principal place of employment, if any, of each
21 individual contributor whose cumulative contributions to the recall committee for
22 the calendar year are in excess of \$300.

23 4. An itemized statement of each contribution made anonymously to the recall
24 committee. If the contribution exceeds \$10, the recall committee shall specify
25 whether the committee donated the contribution to the common school fund or to a

1 charitable organization, and shall include the full name and mailing address of the
2 donee.

3 5. A statement of totals during the reporting period of contributions received
4 and contributions donated as provided in subd. 4.

5 6. A statement of the cash balance on hand at the beginning and end of the
6 reporting period.

7 7. An itemized statement of each loan of money made to the recall committee
8 in an aggregate amount or value in excess of \$20, together with all of the following:

9 a. The full name and mailing address of the lender.

10 b. A statement of whether the lender is a commercial lending institution.

11 c. The date and amount of the loan.

12 d. The full name and mailing address of each guarantor, if any.

13 e. The original amount guaranteed by each guarantor.

14 f. The balance of the amount guaranteed by each guarantor at the end of the
15 reporting period.

16 8. An itemized statement of every disbursement exceeding \$20 in amount or
17 value, together with the name and address of the person to whom the disbursement
18 was made, and the date and specific purpose for which the disbursement was made.

19 9. An itemized statement of every obligation exceeding \$20 in amount or value,
20 together with the name of the person or business with whom the obligation was
21 incurred, and the date and the specific purpose for which each such obligation was
22 incurred.

23 10. A statement of totals during the reporting period of disbursements made,
24 including transfers made to and received from other committees, other income, and
25 loans.

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

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

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

8 1. Seven hundred and 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 (2) CANDIDATE COMMITTEES. A candidate committee may contribute to another
13 candidate committee no more than the following amounts specified for the candidate
14 whose nomination or election the committee supports [See Figure 11.9000 following]:

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

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

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

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

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

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

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

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

4 1. Seven hundred fifty dollars.

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

8 (3) POLITICAL ACTION COMMITTEES. A political action committee may contribute
9 to a candidate committee no more than the following amounts specified for the
10 candidate whose nomination or election the committee supports [See Figure 11.9000
11 following]:

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

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

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

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

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

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

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

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

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

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

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

4 1. Six hundred dollars.

5 2. Three cents times the number of inhabitants of the jurisdiction or district,
6 according to the latest federal census or the census information on which the district
7 is based, as certified by the appropriate filing officer, but not more than \$7,500.

8 **Figure 11.9000:**

	INDIVIDUALS ✓	CANDIDATE COMMITTEES	POLITICAL ACTION COMMITTEES ✓
GOVERNOR	\$30,000 ✓	\$30,000 ✓	\$129,000 ✓
LT. GOVERNOR	\$30,000 ✓	\$30,000 ✓	\$39,000 ✓
SECRETARY OF STATE	\$30,000 ✓	\$30,000 ✓	\$27,000 ✓
STATE TREASURER	\$30,000 ✓	\$30,000 ✓	\$27,000 ✓
ATTORNEY GENERAL	\$30,000 ✓	\$30,000 ✓	\$66,000 ✓
STATE SUPERINTENDENT	\$30,000 ✓	\$30,000 ✓	\$27,000 ✓
JUSTICE	\$30,000 ✓	\$30,000 ✓	\$27,000 ✓
STATE SENATOR	\$3,000 ✓	\$3,000 ✓	\$3,000 ✓
ASSEMBLY REPRESENTATIVE	\$1,500 ✓	\$1,500 ✓	\$1,500 ✓
APPEALS JUDGE - POPULOUS DISTRICTS	\$9,000 ✓	\$9,000 ✓	\$9,000 ✓
APPEALS JUDGE - OTHER DISTRICTS	\$7,500 ✓	\$7,500 ✓	\$7,500 ✓
CIRCUIT JUDGE - POPULOUS AREA	\$9,000 ✓	\$9,000 ✓	\$9,000 ✓
DISTRICT ATTORNEY - POPULOUS AREA	\$9,000 ✓	\$9,000 ✓	\$9,000 ✓
CIRCUIT JUDGE - OTHER AREA	\$3,000 ✓	\$3,000 ✓	\$3,000 ✓

DISTRICT ATTORNEY - OTHER AREA	\$3,000 ✓	\$3,000 ✓	\$3,000 ✓
LOCAL OFFICES	GREATER OF \$750 OR 3 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$9,000 ✓	GREATER OF \$750 OR 3 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$9,000 ✓	GREATER OF \$600 OR 3 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$7,500 ✓

1 **11.9001 Applicable periods** (1) For an individual who is a candidate for an
 2 office that the individual holds, the limits under s. 11.9000 (1) to (3) apply during the
 3 term of that office.

4 (2) For an individual who is a candidate for an office that the individual does
 5 not hold, the limits under s. 11.9000 (1) to (3) apply during the period beginning on
 6 the date on which the individual becomes a candidate under s. 11.1000 (1) (a) and
 7 ending on July 1 for a candidate at a spring primary or spring election, January 1
 8 for a candidate at a partisan primary or general election, and 60 days after a special
 9 election for a candidate at a special election.

10 **11.9002 Exceptions** The limits under s. 11.9000 do not apply to any of the
 11 following:

- 12 (1) Contributions to a political action committee.
- 13 (2) Contributions transferred between political action committees.
- 14 (3) (a) Except as provided in par. (b), contributions to a legislative campaign
 15 committee.
- 16 (b) A political action committee may contribute no more than \$18,000 in any
 17 calendar year to a legislative campaign committee.
- 18 (4) (a) Except as provided in par. (b), contributions to a political party
 19 committee.
- 20 (b) A political action committee may contribute no more than \$18,000 in any
 21 calendar year to a political party committee.

1 (5) Contributions transferred from a political party committee or legislative
2 campaign committee to a candidate committee.

3 (6) Contributions paid to a segregated fund established and administered by
4 a political party committee or legislative campaign committee to finance the
5 purchase, lease, maintenance, improvement of space, or the purchase or
6 improvement of equipment for use by the political party committee or legislative
7 campaign committee.

****NOTE: We eliminated “exclusive,” which modified use.

****NOTE: We added “or the purchase or improvement of equipment.” Does that
accomplish your intent?

8 (7) Contributions that a candidate makes to his or her candidate committee
9 from the candidate’s personal funds or property or the personal funds or property
10 that are owned jointly or as marital property with the candidate’s spouse.

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

13 (9) Contributions used to pay legal fees and other expenses incurred as a result
14 of a recount under s. 9.01.

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

****NOTE: Subsections (7) to (10) are consistent with provisions under current law,
s. 11.26 (5), (12), and (13m).

****NOTE: Please note that the limitations under this section do not address
contribution limits for referendum committees and recall committees. Are contributions
to these 2 entities unlimited?

19

11.9003 Valuation (1) Except as provided in s. 11.9008, for purposes of
20 complying with a contribution limit under this section, the value of a contribution of

1 any tangible or intangible item, other than money, is the item's replacement cost at
2 the time that the individual or committee made the contribution.

3 (2) Except as provided in s. 11.9008, for purposes of complying with a
4 contribution limit under this section, the value of a contribution of a service is the
5 replacement cost of the service at the time that the individual or committee made the
6 contribution.

7 **11.9004 Conduit contributions.** (1) For purposes of this chapter, a
8 contribution released by a conduit to a committee is to be reported by the committee
9 as a contribution from the person or committee who made the contribution and not
10 as a contribution from the conduit.

11 (2) A contribution of money received from a conduit, accompanied by the
12 information required under s. 11.6004 (1) (b), is considered to be a contribution from
13 the original contributor.

14 (3) Each filing officer shall place a copy of any report received under s. 11.6004
15 (1) (b) in the file of the conduit and the file of the transferee.

****NOTE: I believe we will need to add to the reporting requirements under
candidate committee, legislative campaign committee, political party committee,
referendum committee, and recall committee a requirement that the committees include
a copy of any report that accompanied a release of funds by a conduit.

16 **11.9006 Limitation on cash contributions.** Every contribution of money
17 exceeding \$100 shall be made by negotiable instrument or evidenced by an itemized
18 credit card receipt bearing on the face the name of the remitter. No committee
19 required to report under this chapter may accept a contribution made in violation of
20 this section. The committee shall promptly return the contribution, or donate it to
21 the common school fund or to a charitable organization in the event that the donor
22 cannot be identified.

1 **11.9007 Return of contributions.** (1) A committee required to report under
2 this chapter may return a contribution at any time before or after it has been
3 deposited.

4 (2) (a) Except as provided in par. (b), the subsequent return of a contribution
5 deposited contrary to law does not constitute a defense to a violation.

6 (b) A committee that accepts a contribution contrary to law and that returns
7 the contribution deposited contrary to law within 15 days after the filing date for the
8 reporting period in which the contribution is received does not violate the
9 contribution limits under s. 11.9000.

 ****NOTE: Under this par.(b), 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?

10 **11.9008 Valuation of opinion poll results** (1) In this section:

11 (a) “Election period” means any of the following:

- 12 1. The period beginning on December 1 and ending on the date of the spring
13 election.
- 14 2. The period beginning on May 1 and ending on the date of the general election.
- 15 3. The period beginning on the first day for circulating nomination papers and
16 ending on the date of a special election.

17 (b) “Initial recipient” means the individual who or committee which
18 commissions a public opinion poll or voter survey.

19 (c) “Results” means computer output or a written or verbal analysis.

20 (d) “Voter survey” includes acquiring information that identifies voter
21 attitudes concerning candidates or issues.

22 (2) If a candidate or committee receives opinion poll or a voter survey results
23 during the first 15 days after the initial recipient receives the results, and the

1 candidate or committee received the results during an election period, the candidate
2 or committee shall report the results as a contribution. The candidate or committee
3 shall report the contribution's value as 100 percent of the cost incurred by the initial
4 recipient to commission the poll or survey, except that if more than one candidate or
5 committee receives the results, the candidates or committees shall report the
6 contribution's value as 100 percent of the amount allocated to the candidate or
7 committee under sub. (5).

8 (3) If the candidate or committee receives the opinion poll or voter survey
9 results 16 to 60 days following the day on which the initial recipient received the
10 results, and the candidate or committee received the results during an election
11 period, the candidate or committee shall report the results as a contribution valued
12 at 50 percent of the cost incurred by the initial recipient to commission the poll or
13 survey, except that if more than one candidate or committee receives the results, the
14 candidates or committees shall report the contribution's value as 50 percent of the
15 amount allocated to the candidate or committee under sub. (5).

16 (4) If the candidate or committee receives the opinion poll or voter survey
17 results more than 60 days after the initial recipient received the results the
18 candidate or committee is not required to report the results as a contribution.

19 (5) If a person contributes opinion poll or voter survey results to more than one
20 candidate or committee, the person shall apportion the value of the poll or survey to
21 each candidate or committee receiving the results by one of the following methods
22 and shall provide the apportioned values to the candidates or committees:

23 (a) Determine the share of the cost of the opinion poll or voter survey that is
24 allocable to each recipient based on the allocation formula used by the person that
25 conducted the poll or survey.

1 (b) Determine the share of the cost of the opinion poll or voter survey that is
2 allocable to each recipient by dividing the cost of the poll or survey equally among
3 all the candidates and committees receiving the results.

4 (c) Determine the share of the cost of the opinion poll or voter survey that is
5 allocable to each recipient as follows:

6 1. Divide the number of question results received by each recipient by the total
7 number of question results received by all recipients.

8 2. Multiple the total cost of the poll or survey by the number determined under
9 subd. 1.

10 (6) If a person makes a contribution of opinion poll or voter survey results to
11 a candidate or committee after the person has apportioned the value of the results
12 to previous recipients under sub. (5), the person shall make a good faith effort to
13 apportion the value to the candidate or committee, considering the value apportioned
14 to other recipients under sub. (5), and shall report that value to the candidate or
15 committee. For purposes of this paragraph, the total value of the contributor's
16 aggregate contributions may exceed the original cost of the poll or survey.

17 (7) A person who contributes opinion poll or voter survey results shall maintain
18 records sufficient to support the contribution's value and shall provide the
19 contribution's value to the recipient.

****NOTE: This is our first attempt at trying to tackle and simplify the current law
under s. 11.06 (12).

20 **11.9009 Partnerships and limited liability companies. (1) PARTNERSHIPS.**
21 A contribution made to a candidate committee by a partnership is considered a
22 contribution made by each of the contributing partners, as apportioned by the
23 partnership, and subject to the individual limits under s. 11.9000 (1). A partnership

1 that makes a contribution to a candidate committee shall provide to the committee
2 the names of the contributing partners and the amount of the individual contribution
3 made by each partner. For purposes of determining the individual contribution
4 amounts made by each partner, the partnership shall attribute the individual
5 contributions according to each partner's share of the partnership's profits, unless
6 the partners agree to apportion the contribution in a different manner.

****NOTE: Is the phrase "as apportioned by the partnership" (in the first sentence
of this subsection) necessary? It seems duplicative of the last sentence in this subsection.
This same phrase appears in the paragraphs governing limited liability companies,
below.

7 (2) LIMITED LIABILITY COMPANIES. (a) A contribution made to a candidate
8 committee by a limited liability company treated as a partnership by the federal
9 internal revenue service pursuant to 26 CFR 301.7701-3 is considered a contribution
10 made by each of the contributing members, as apportioned by the company, and
11 subject to the individual limits under s. 11.9000 (1). A limited liability company that
12 makes a contribution under this paragraph shall affirm to the candidate committee
13 that it is treated as a partnership for federal tax purposes and eligible to make the
14 contribution. The company shall provide to the committee the names of the
15 contributing members and the amount of the individual contribution made by each
16 member. For purposes of determining the individual contribution amounts made by
17 each member, the company shall attribute the individual contributions according to
18 each member's share of the company's profits, unless the members agree to apportion
19 the contribution in a different manner.

20 (b) A contribution made to a candidate committee by a single-member limited
21 liability company in which the sole member is an individual is considered a
22 contribution made by that individual and subject to the individual limits under s.
23 11.9000 (1). A limited liability company that makes a contribution under this

1 paragraph shall affirm to the candidate committee that it is a single-member limited
2 liability company in which the sole member is an individual and eligible to make the
3 contribution.

4 SUBCHAPTER X

5 PROHIBITED PRACTICES

6 **11.10000 False reports and statements.** No person may prepare or submit
7 a false report or statement to a filing officer under this chapter.

8 **11.10001 Earmarking.** (1) The treasurer of a personal campaign committee
9 may agree with a prospective contributor that a contribution is received to be used
10 for a specific purpose not prohibited by law. That purpose may not include a
11 disbursement to support or oppose another candidate or the transfer to an individual
12 or committee acting to support or oppose another candidate.

13 (2) When a contribution is made to a political party committee or to a committee
14 other than a candidate committee, the contributor may not specify a purpose.

15 (3) Except for transfers of membership-related moneys between committees
16 of the same political party, no committee may transfer to another committee the
17 earmarked contributions of others. Transfers of membership-related moneys
18 between political party committees shall be treated in the same manner as other
19 transfers.

***NOTE: This language comes from 11.16 (4), but we removed language regarding support committees and substituted the current terminology (for example, "candidate committee" rather than "candidate or a candidate's campaign committee").

***NOTE: Under current law, the first sentence of sub. (3) reads: "...no committee may act as a conduit for the earmarked contributions of others." I modified the language to eliminate the use of the defined term, conduit. Please review the modified language to ensure that you are comfortable with the change.

20 **11.10002 Coordination.** No person may make an expenditure for express
21 advocacy that is coordinated with a candidate, candidate committee, candidate's

1 agent, legislative campaign committee, or political party committee. For purposes
2 of this section, an expenditure for express advocacy is coordinated with a candidate,
3 candidate committee, candidate's agent, legislative campaign committee, or political
4 party committee if the candidate, candidate committee, candidate's agent,
5 legislative campaign committee, or political party committee exercises control over;
6 or engages in substantial discussions or negotiations with the person making the
7 expenditure regarding; any of the following:

8 (1) The communication's content.

9 (2) The communication's timing.

10 (3) The location, form, or intended audience of the communication.

11 (4) The number or frequency of communications.

****NOTE: This provision is based on the standards for coordination enumerated
in *FEC v. Christian Coalition*, 52 F. Supp. 2d. 45 (D.D.C. 1999).

****NOTE: Do you want to permit candidate committees to coordinate with any
other committees?

12 **11.10003 Contributions by corporations and cooperatives.** No foreign
13 or domestic corporation, or association organized under ch. 185 or 193, may make a
14 contribution, directly or indirectly, to a committee.

15 **11.10004 Unlawful political contributions.** (1) Subject to sub. (2), no
16 person may, directly or indirectly, make any contribution other than from funds or
17 property belonging to the person. No person may, directly or indirectly, give funds
18 or property to another person for the purpose of making a contribution in other than
19 the person's own name. No person may intentionally accept or receive any
20 contribution made in violation of this subsection.

****NOTE: I substituted the word "give" for "furnish." Okay?

1 (2) A conduit releasing a contribution of money in the manner prescribed in s.
2 11.9004 (2) does not violate sub. (1).

3 (3) No person may intentionally accept or receive any contribution made in
4 violation of this chapter.

5 **11.10005 Use of government materials by candidates.** (1) (a) Except as
6 provided in sub. (2), no person elected to state or local office who becomes a candidate
7 for national, state, or local office may use public funds for the cost of materials or
8 distribution for 50 or more pieces of substantially identical material distributed
9 after:

10 1. In the case of a candidate who is nominated by nomination papers, the first
11 day authorized by law for circulation of nomination papers as a candidate.

12 2. In the case of a candidate who is nominated at a primary election by write-in
13 votes, the day the board of canvassers issues its determination that the person is
14 nominated.

15 3. In the case of a candidate who is nominated at a caucus, the date of the
16 caucus.

17 4. In the case of any other candidate who is nominated solely by filing a
18 declaration of candidacy, the first day of the month preceding the month which
19 includes the last day for filing the declaration.

20 (b) This subsection applies until after the date of the election or after the date
21 of the primary election if the person appears as a candidate on a primary election
22 ballot and is not nominated at the primary election.

23 (2) This section does not apply to use of public funds for the costs of the
24 following:

25 (a) Answers to communications of constituents.

1 (b) Actions taken by a state or local government administrative officer
2 pursuant to a specific law, ordinance or resolution which authorizes or directs the
3 actions to be taken.

4 (c) Communications from members of the legislature regarding the legislative
5 or deliberative process while the legislature is in session.

6 (d) Communications not exceeding 500 pieces by members of the legislature
7 relating solely to the subject matter of a special session or extraordinary session,
8 made during the period between the date that the session is called or scheduled and
9 14 days after adjournment of the session.

10 **11.10006 Travel by public officers.** (1) No person may use any vehicle or
11 aircraft owned by the state or by any local governmental unit for any trip which is
12 exclusively for the purposes of campaigning to support or oppose any candidate for
13 national, state, or local office, unless use of the vehicle or aircraft is required for
14 purposes of security protection provided by the state or local governmental unit.

15 (2) No person may use any vehicle or aircraft owned by the state or by any local
16 governmental unit for purposes that include campaigning to support or oppose any
17 candidate for national, state, or local office, unless the person pays to the state or
18 local governmental unit a fee which is comparable to the commercial market rate for
19 the use of a similar vehicle or aircraft and for any services provided by the state or
20 local governmental unit to operate the vehicle or aircraft. If a trip is made in part
21 for a public purpose and in part for the purpose of campaigning, the person shall pay
22 for the portion of the trip attributable to campaigning, but in no case less than 50
23 percent of the cost of the trip. The portion of the trip attributable to campaigning
24 shall be determined by dividing the number of appearances made for campaign
25 purposes by the total number of appearances. Fees payable to the state shall be

1 prescribed by the secretary of administration and shall be deposited in the account
2 under s. 20.855 (6) (h). Fees payable to a local governmental unit shall be prescribed
3 by the governing body of the governmental unit.

4 SUBCHAPTER XI

5 MISCELLANEOUS

6 **11.11000 Reporting of specific express advocacy. (1) EXPENDITURES. (a)**

7 Any person, other than a committee, spending \$5,000 or more in the aggregate on
8 express advocacy shall submit statements to the board under par. (b) if all of the
9 following apply to the express advocacy:

****NOTE: In this draft, we do not impose any registration requirements on a person
that is required to report under this section; please confirm that is consistent with your
intent.

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

12 2. It is made during the period beginning on the day that is 30 days from the
13 day of the primary or election involving the candidate in subd. 1. and ending on the
14 day of the primary or election involving that candidate.

15 3. It is targeted to the relevant electorate.

16 (b) A political action committee required to report under this section shall
17 submit statements to the board providing all of the following information:

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

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

20 3. The purpose for making the expenditures.

21 4. The amount spent for each act of express advocacy.

1 5. The name of any candidate affected by the expenditure, the office that the
2 candidate seeks, and whether the express advocacy supports or opposes that
3 candidate.

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

6 (2) EXCEPTION. A person who is required to report under this section is not
7 required to submit the information described under sub. (1) (b) regarding
8 expenditures made before reaching the \$5,000 threshold under sub. (1) (a). For
9 purposes of this section, an expenditure for express advocacy is the amount spent
10 directly on developing, producing, and disseminating the express advocacy.

11 (3) TIMING. A person who is required to report under this section shall submit
12 the report to the board no later than 48 hours after making the expenditures.

13 **11.11001 Oath for independent disbursements.** (1) Every committee,
14 other than a candidate committee, which desires to make disbursements during any
15 calendar year, which are to be used for express advocacy shall, before making any
16 disbursement, except within the amount authorized under [current law s. 11.05 (1)
17 or (2); multiple sections], file with the registration statement required for that
18 committee a statement under oath affirming that the committee will comply with the
19 prohibition on coordination under s. 11.10002 with respect to any candidate or agent
20 or candidate committee who is supported or opposed by the express advocacy. A
21 committee filing an oath under this subsection shall indicate in the oath the names
22 of the candidate or candidates to which the oath applies.

23 (2) A committee required to file an oath under this section shall file the oath
24 at the time of registration or at the time the committee to this section, whichever is
25 later. The committee or individual shall file an amendment to the oath whenever

1 there is a change in the candidate or candidates to whom it applies. A committee
2 shall refile the oath for each calendar year in which the committee proposes to make
3 disbursements specified in this section, no later than January 31 of that calendar
4 year.

5 (3) Any committee which falsely makes an oath under sub. (1), or any agent of
6 a committee who or which carries on any activities with intent to violate an oath
7 under sub. (1) is guilty of a violation of this chapter.

****NOTE: This is derived from current law s. 11.06 (7).

****NOTE: Do you want to require committees that file an oath under this section
to file a schedule containing the information currently required under s. 11.06 (1) (j)?

****NOTE: Do you want to include current law s. 11.06 (7m) (governing a change in
status of committees that file an oath under this section)?

****NOTE: Current law requires individuals who make disbursements and who file
an oath under this section to register with the board (see 11.05 (2)). Current law requires
such individuals to serve as treasurer for filing and reporting purposes (see 11.10 (3)).

This draft does not impose a registration requirement on any individuals (much
less individuals acting consistent with this section). Is that consistent with your intent?

****NOTE: Current law prohibits individuals filing an oath under s. 11.06 (7) from
taking anonymous contributions; if you elect to make individuals subject to filing an oath,
do you want to impose a similar prohibition?

****NOTE: Current law imposes contribution limits on individuals and committees
contributing to an individual or committee that files an oath under s. 11.06 (7) and that
acts solely in support of or opposition to a candidate. See 11.26 (1) (intro.) and (2) (intro.).
Do you want to impose similar limits?

8 **11.11002 Defense fund authorized.** (1) Any candidate or public official who
9 is being investigated for, charged with, or convicted of a criminal violation of this
10 chapter or ch. 12, or whose agent is so investigated, charged, or convicted, may
11 establish a defense fund for expenditures supporting or defending the candidate,
12 official, or agent, or any dependent of the candidate, official, or agent, while that
13 person is being investigated for, or while the person is charged with or convicted of
14 a criminal violation of this chapter or ch. 12.

1 (2) No person may use a contribution received from a contributor to a candidate
2 committee fund for a purpose for which a defense fund is authorized under sub. (1)
3 unless the person obtains the contributor's authorization. Notwithstanding [current
4 law s. 11.25 (2) (a)], any contributor may authorize the transfer of all or part of a
5 contribution from a campaign fund to a defense fund.

****NOTE: This is derived from current law s. 11.64.

****NOTE: Do you intend that a defense fund may be authorized for *any* public
official (as under current law) or only for *elected* public officials? Public official is not
defined in chapter 5, but "elected official" is defined as "an individual who is elected to a
national, state or local office."

6 **11.11003 Donations to charitable organizations or school fund.** Any
7 committee may make a donation to a charitable organization or the common school
8 fund from the committee's treasury. No later than 5 days after a committee makes
9 a donation to a charitable organization or the common school fund from the
10 committee's treasury, the committee shall notify the committee's filing officer in
11 writing of the name of the donee and the date of the donation, and shall provide an
12 explanation for not retaining the amount donated in the committee's treasury.

****NOTE: This is derived from current law s. 11.65.

****NOTE: Is there a better word than "treasury"?

✓ 13 **SECTION 2.** 13.62 (5g) of the statutes is amended to read:

14 **13.62 (5g)** "Candidate" has the meaning given under s. ~~11.01 (1)~~ 11.1000 (1).

✓ History: 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993 a. 112; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2005 a. 74, 335, 463; 2007 a. 1, 20, 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20.

15 **SECTION 3.** 13.62 (5j) of the statutes is created to read:

16 **13.62 (5j)** "Candidate committee" has the meaning given in s. 11.1000 (2).

✓ 17 **SECTION 4.** 13.62 (5u) of the statutes is created to read:

18 **13.62 (5u)** "Contribution" has the meaning given in s. 11.1000 (6).

✓ 19 **SECTION 5.** 13.625 (1) (c) (intro.) of the statutes is renumbered 13.625 (1m) (a)

20 (intro.) and amended to read:

1 13.625 (1m) (a) (intro.) Except as ~~permitted~~ provided in this subsection,
2 ~~personally par. (b), a lobbyist may not do any of the following:~~

3 1. ~~Personally make a campaign contribution, as defined in s. 11.01 (6), to a~~
4 partisan elective state official for the purpose of promoting the official's election to
5 any national, state, or local office; ~~or,~~

6 2. ~~Personally make a contribution~~ to a candidate for a partisan elective state
7 office to be filled at the general election or a special election; ~~or,~~

8 3. ~~Personally make a contribution~~ to the ~~official's or candidate's personal~~
9 ~~campaign candidate~~ committee of a partisan elective state official or candidate for
10 partisan state elective office.

11 **(b)** A lobbyist may personally make a ~~campaign~~ contribution to a partisan
12 elective state official or candidate for partisan elective state office or to the ~~personal~~
13 ~~campaign candidate~~ committee of the official or candidate in the year of a candidate's
14 election between the first day authorized by law for the circulation of nomination
15 papers as a candidate at a general election or special election and the day of the
16 general election or special election, except that:

17 **History:** 1977 c. 278, 418; 1979 c. 32; 1987 a. 27; 1989 a. 338; 1991 a. 39, 269; 1995 a. 27 ss. 35, 36, 9116 (5); 1995 a. 227; 2011 a. 32; 2013 a. 153.

18 **SECTION 6.** 13.625 (1) (c) 1. of the statutes is renumbered 13.625 (1m) (b) 1. and
19 amended to read:

20 13.625 (1m) (b) 1. A ~~campaign~~ contribution to a candidate for legislative office
21 may be made during that period only if the legislature has concluded its final
floorperiod, and is not in special or extraordinary session.

22 **History:** 1977 c. 278, 418; 1979 c. 32; 1987 a. 27; 1989 a. 338; 1991 a. 39, 269; 1995 a. 27 ss. 35, 36, 9116 (5); 1995 a. 227; 2011 a. 32; 2013 a. 153.

23 **SECTION 7.** 13.625 (1) (c) 2. of the statutes is renumbered 13.625 (1m) (b) 2. and
amended to read:

1 13.625 (1m) (b) 2. A ~~campaign~~ contribution by a lobbyist to the lobbyist's
2 ~~campaign~~ candidate committee for partisan elective state office may be made at any
3 time.

History: 1977 c. 278, 418; 1979 c. 32; 1987 a. 27; 1989 a. 338; 1991 a. 39, 269; 1995 a. 27 ss. 35, 36, 9116 (5); 1995 a. 227; 2011 a. 32; 2013 a. 153.

****NOTE: In our meeting on May 1, we briefly discussed the substance of s. 13.625 (1) (c) (governing the making of personal campaign contributions by lobbyists), and your drafting notes suggest "Furnish language cleanup." However, although the word "furnish" does appear 13 times in s. 13.625, that word does not appear in the provision we discussed, s. 13.625 (1) (c). Because there is an attorney general opinion concerning the meaning of the word "furnish" in s. 13.625, and because we did not discuss the use of this word more generally in s. 13.625, I did not feel comfortable eliminating the word from s. 13.625 without additional instructions.

****NOTE: I did, however, renumber and amend s. 13.625 (1) (c) to incorporate the new chapter 11 terminology and, I hope, clarify this provision.

4

5

(END)

Insert 3 - 2

1 (X) "Clearly identified" means any of the following with regard to a
2 communication supporting or opposing a candidate:

3 (a) The candidate's name appears.

4 (b) A photograph or drawing of the candidate appears.

5 (c) The candidate's identity is apparent by unambiguous reference.

Insert 5 - 18

6 (X) "Federal account committee" means a committee of a state political party
7 organization that makes contributions to candidates for national office and is
8 registered with federal election commission.

9 (X) "Federal candidate committee" means a committee of a candidate for the
10 U.S. senate or house of representatives from this state that the candidate designates
11 under 2 USC 432 (e).

Insert 6 - 4

12 (X) "Intentionally" has the meaning given in s. 939.23.

Insert 6 - 8

13 (X) "Obligation" means any express obligation to make a contribution or
14 disbursement, including all of the following:

15 (a) A loan or loan guarantee.

16 (b) An obligation or a payment to purchase, rent, or lease tangible personal
17 property.

18 (c) An obligation or a payment for a service that has been or will be performed.

1 **(X)** “National political party committee” means a national committee as
2 defined in 2 USC 431 (14).

Insert 6 - 21

3 with regard to a state or local office and

Insert 7 - 4

4 **(X)** (a) “Political party” means all of the following:

5 1. A state committee organized exclusively for express advocacy purposes
6 under whose name candidates appear on a ballot at any election and all county,
7 legislative, local, and other affiliated committees authorized to operate under the
8 same name.

9 2. A committee described under subd. 1. that makes and accepts contributions
10 and makes expenditures to support or oppose a candidate for state or local office or
11 to support or oppose a referendum held in this state.

12 (b) “Political party” does not include a legislative campaign committee.

Insert 16 - 19

13 **11.1005 Nonapplicability.** (1) Federal account committees, federal
14 candidate committees, and national political party committees are not required to
15 register under this chapter.

16 (2) A federal account committee that makes contributions to a political party
17 need not file reports under this chapter for any period covered in a report filed with
18 the federal election commission if the board receives a copy of that report and the
19 federal account committee makes no contributions to any other committee required
20 to register under this chapter.

1 **(3)** A federal candidate committee need not file reports under this chapter for
2 any period covered in a report filed with the federal election commission if the board
3 receives a copy of that report.

4 **(4)** A national political party committee need not file reports under this chapter
5 for any period covered in a report filed with the federal election commission.

Insert 24 - 2

6 **(7) CONTINUING COMPLIANCE.** An individual does not cease to be a candidate for
7 purposes of compliance with this chapter or ch. 12 after the date of an election and
8 no candidate or candidate committee is released from any requirement or liability
9 otherwise imposed under this chapter or ch. 12 simply because the election date has
10 passed.

Insert 29 - 23

11 **(6) REPORTS BY POLITICAL PARTY COMMITTEES.** Every committee of a political
12 party that is required to file statements and reports under this subchapter shall file
13 all statements and reports with the board. A congressional, legislative, county, or
14 local party committee may designate a state committee of a political party as its
15 reporting agent for purposes of this subchapter, but such designation does not permit
16 combining reports. The state committee treasurer shall inform the board of a
17 designation made under this subsection.

Insert 42 - 19

18 **6.** An affirmation, made under oath, that the political action committee will
19 comply with the prohibition on coordination under s. 11.10002 with respect to any
20 candidate or agent or candidate committee who is supported or opposed by the
21 express advocacy.

1 7. The name and mailing and street address of the political action committee's
2 designated agent in this state.

Insert 42 - 24

3 (b) This section does not apply to any of the following:

4 1. A communication, other than an advertisement, appearing in a news story,
5 commentary, or editorial distributed through the facilities of any legitimate news
6 organization, unless the facilities are controlled by any political party, political
7 committee, or candidate.

8 2. A communication made exclusively between an organization and its
9 members.

Insert 71 - 5

10 6. An affirmation, made under oath, that the person will comply with the
11 prohibition on coordination under s. 11.10002 with respect to any candidate or agent
12 or candidate committee who is supported or opposed by the express advocacy.

13 7. The name and mailing and street address of the person's designated agent
14 in this state.

Insert 71 - 10

15 (b) This section does not apply to 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 the facilities are controlled by any political party, political
19 committee, or candidate.

1 2. A communication made exclusively between an organization and its
2 members.

Insert 73 - 12

3 **11.11004 Attribution of political contributions, disbursements and**
4 **communications.** (1) No disbursement may be made anonymously and no
5 contribution or disbursement may be made in a fictitious name or by one person or
6 organization in the name of another.

7 (2) (a) Every printed advertisement, billboard, handbill, sample ballot,
8 television or radio advertisement, or other communication which is paid for by any
9 contribution or disbursement shall clearly indentify its source.

10 (b) 1. Except as provided in subd. 2., every communication described under par.
11 (a) the cost of which is paid for or reimbursed by a committee, or for which a
12 committee assumes responsibility, whether by accepting a contribution or making a
13 disbursement, shall identify its source by the words "Paid for by" followed by the
14 name of the committee making the payment or reimbursement or assuming
15 responsibility for the communication and the name of the treasurer or other
16 authorized agent of the committee.

17 2. Every communication described under par. (a) the cost of which is paid for
18 or reimbursed by a candidate committee, or for which a candidate committee
19 assumes responsibility, whether by accepting a contribution or making a
20 disbursement, shall identify its source by the words "Paid for by" followed by the
21 name of the candidate committee

22 (c) Every communication described under par. (a) that is directly paid for or
23 reimbursed by an individual, including a candidate who is serving as his or her own

1 candidate committee treasurer, or for which an individual assumes responsibility,
2 whether by accepting a contribution or making a disbursement, shall identify its
3 source by the words "Paid for by" followed by the name of the candidate or other
4 individual making the payment or reimbursement or assuming responsibility for the
5 communication.

6 (d) In addition to the requirements of pars. (a) to (c), a person required to submit
7 an affirmation under oath, as provided under s. 11.5004 (1) (b) 6. or s. 11.11000 (1)
8 (b) 6. shall also include the words "Not authorized by any candidate or candidate's
9 agent or committee" in every communication supporting or opposing any clearly
10 identified candidate.

11 (e) Communications under this section by a candidate committee may identify
12 the name of the candidate committee, except as provided in par. (b) 2. and except that
13 no abbreviation may be used to identify the committee.

14 (em) Each printed advertisement, billboard, handbill, paid television or radio
15 advertisement, or other communication made for the purpose of influencing the
16 recall from or retention in office of an individual holding a state or local office shall
17 clearly identify its source in the manner prescribed in pars. (b) and (c).

18 (f) This subsection does not apply to communications printed on small items
19 on which the information required by this subsection cannot be conveniently printed.
20 The board may, by rule, specify other small items to which this subsection shall not
21 apply.

22 (g) The attributions required by this subsection in written communications
23 shall be readable, legible, and readily accessible.

24 (2) Whenever any person receives payment from another person, in cash or
25 in-kind, for the direct or indirect cost of conducting a poll concerning support or

1 opposition to a candidate, political party, or referendum, the person conducting the
2 poll shall, upon request of any person who is polled, disclose the name and address
3 of the person making payment for the poll and, in the case of a committee, the name
4 of the treasurer of the committee making payment.

5 SUBCHAPTER XII

6 PENALTIES

7 **11.12000 Civil penalties.** (1) Any person who violates this chapter may be
8 required to forfeit not more than \$500 for each violation.

9 (2) In addition to the penalty under sub. (1), any person who is delinquent in
10 filing a report required by this chapter may be required to forfeit not more than \$50
11 or one percent of the annual salary of the office for which the candidate is being
12 supported or opposed, whichever is greater, for each day of delinquency.

13 (3) Notwithstanding sub. (1), any person who makes any contribution in
14 violation of this chapter may be required to forfeit treble the amount of the
15 contribution or portion of that contribution which is illegally contributed.

16 (4) Notwithstanding sub. (1), any person who violates s. **[unlawful political**
17 **disbursements]** or **[duties of local filing officers]** shall forfeit \$10 for each
18 person who is solicited, but not more than \$1,000 for each report from which persons
19 are solicited, in violation of s. **[unlawful political disbursements]** or **[duties of**
20 **local filing officers]**.

21 (5) Notwithstanding sub. (1), any person who is subject to a requirement to pay
22 a filing fee under s. [?] and who fails to pay that fee within the time prescribed in that
23 section shall forfeit \$500 plus treble the amount of the fee payable by that person.

24 (6) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h), 5.08,
25 and 5.081, actions under this section may be brought by the board or, upon the board's

1 determination of probable cause, by the district attorney for the county where the
2 defendant resides or, if the defendant is a nonresident, by the district attorney for the
3 county where the violation is alleged to have occurred. For purposes of this
4 subsection, a person other than an individual resides within a county if the person's
5 principal place of operation is located within that county.

6 (7) Any elector may file a verified petition with the board requesting that civil
7 action under this chapter be brought against any person or committee. The petition
8 shall allege such facts as are within the knowledge of the petitioner to show probable
9 cause that a violation of this chapter has occurred.

10 (8) When a candidate committee treasurer or candidate's agent incurs an
11 obligation or makes a disbursement, that action by the treasurer or agent is imputed
12 to the candidate for purposes of civil liability under this subchapter.

***NOTE: This is the only place in the draft where the term "obligation" is used.

13 (9) In civil actions under this chapter the acts of every member of a candidate
14 committee are presumed to be with the candidate's knowledge or approval until
15 clearly proven otherwise.

16 **11.120001 Criminal penalties; prosecution.** (1) (a) Whoever intentionally
17 violates s. 11.10004 or any registration or reporting requirement under this chapter
18 is guilty of a Class I felony.

19 (b) Whoever intentionally violates s. [unlawful political disbursements],
20 subch. IX [contribution limits], s. 11.10000 [false reports], or 11.11004
21 [attributions] is guilty of a Class I felony if the intentional violation does not involve
22 a specific figure or if the intentional violation concerns a figure which exceeds \$100
23 in amount or value.

1 (c) Whoever intentionally violates any of the following may be fined not more
2 than \$1,000 or imprisoned not more than 6 months or both:

3 1. Any provision of this chapter other than those provided in par. (a).

4 2. Any provision under par. (b) if the violation concerns a specific amount or
5 value not exceeding \$100.

6 (2) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i), 5.08,
7 and 5.081, and only after the board has determined probable cause, all prosecutions
8 under this section shall be conducted by the district attorney for the county where
9 the defendant resides or, if the defendant is a nonresident, by the district attorney
10 for the county where the violation is alleged to have occurred. For purposes of this
11 subsection, a person other than a individual resides within a county if the person's
12 principal place of operation is located within that county.

13 (3) (a) If a successful candidate for public office, other than a candidate for the
14 legislature, is adjudged guilty in a criminal action of any violation of this chapter
15 under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed
16 during his or her candidacy, the court shall after entering judgment enter a
17 supplemental judgment declaring a forfeiture of the candidate's right to office. The
18 supplemental judgment shall be transmitted to the officer or agency authorized to
19 issue the certificate of nomination or election to the office for which the person
20 convicted is a candidate. If the candidate's term has not yet begun, the candidate
21 shall not take office. If the candidate's term has begun, the office shall become
22 vacant. The office shall then be filled in the manner provided by law.

23 (b) If a successful candidate for the legislature is adjudged guilty in a criminal
24 action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of
25 ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court shall

- 1 after entering judgment certify its findings to the presiding officer of the house of the
- 2 legislature to which the candidate was elected.

INSERT 8-LINE 12

1 ; duties of local filing officer.

INSERT 10 - 16

2 (3) Each filing officer, other than the board, shall do all of the following:

3 (a) Obtain the forms and manuals prescribed by the board under s. 11.__000

4 (1) and (3).

****NOTE: You asked that we eliminate that portion of the local filing officers duties related to election laws (The most substantive excised material read as follows: "The officer shall distribute copies of the election laws received from the board to election officials without charge. The officer shall furnish copies of manuals and election laws to other persons at cost.") Do you want to explicitly assign these responsibilities to the Board?

5 (b) Develop a filing, coding, and cross-indexing system consonant with the
6 purposes of this chapter.

7 (c) Provide all of the following, without charge, to any committee required to
8 file reports or statements with the officer:

9 1. Forms prescribed by the board for the making of reports and statements.

10 The officer shall send the required forms, by 1st class mail addressed to the attention
11 of the treasurer or other person indicated on the committee's registration statement,
12 not earlier than 21 days and not later than 14 days prior to the applicable filing
13 deadline under this chapter. The officer need not send forms to a committee who has
14 made an indication that aggregate contributions, disbursements, and obligations
15 will not exceed the amount specified under s. 11.1003 (1) or to a registrant who has
16 been granted a suspension under s. 11.1003 (3). Whenever a filing officer sends
17 notice of the filing requirements under this chapter to the treasurer of a candidate
18 committee, the filing officer shall also send a notice to the candidate.

****NOTE: Persons reporting to the Board must do so electronically; the requirement that the board send a copy of forms by first class mail has been eliminated.

Do you want to make the same changes here? That is, do you want to require reports filed with a local filing officer to be filed electronically?

1 2. Upon request, copies of manuals under par. (a).

2 (d) Notify the board, in writing, of any facts within the filing officer's knowledge
3 or evidence in the officer's possession, including errors or discrepancies in reports or
4 statements and delinquencies in filing which may be grounds for civil action or
5 criminal prosecution. The board may transmit a copy of the notification submitted
6 under this paragraph to the district attorney. The board or the attorney general shall
7 advise the filing officer in writing at the end of each 30-day period of the status of
8 such matter until the time of disposition.

 ***NOTE: The last sentence of this paragraph does not really belong here; if you wish to keep this duty, I recommend moving it to the section governing duties of the Board. Please advise.

9 (e) Make available a list of delinquents for public inspection.

10 (f) Compile and maintain on an electronic system a current list of all reports
11 and statements received by or required of and pertaining to each committee
12 registered under this chapter.

13 (g) Make the reports and statements filed with the officer available for public
14 inspection and copying, commencing as soon as practicable but not later than the end
15 of the 2nd day following the day during which they are received.

16 (h) Upon the request of any person, permit copying of any report or statement
17 described under par. (g) by hand or by duplicating machine at cost. No person may
18 sell the information copied from the report or statement or utilize the information
19 for the purpose of soliciting contributions from individuals identified in the report
20 or statement or for any commercial purpose.

21 (i) Determine whether each financial report or statement required to be filed
22 under this chapter has been filed in the form and by the time prescribed by law, and

1 whether it conforms on its face to the requirements of this chapter. The officer shall
 2 immediately send to any committee that is delinquent in filing, or that has filed
 3 otherwise than in the proper form, a notice that the committee has failed to comply
 4 with this chapter. Whenever a candidate committee has appointed an individual
 5 other than the candidate as campaign treasurer, the board shall send the notice to
 6 both the candidate and the treasurer of the candidate committee.

INSERT 10-19

7 (b) Failure to receive a form or notice from a filing officer or notice does not
 8 exempt a committee or conduit from a reporting requirement under this chapter.

****NOTE: I modified this sentence from a sentence that appears in current law s.
 11.21 (2). That subsection relates to the duties of the Board, not the obligations of a
 reporting entity. Are you comfortable with its placement here?

INSERT 24-3

9 11.2004 **Transfers between candidates for governor and lieutenant**
 10 **governor.** The candidate committee for governor and the candidate committee for
 11 lieutenant governor of the same political party may receive contributions and make
 12 disbursements for both candidates from either candidate committee's depository
 13 account.

****NOTE: This is [modified] current law s. 11.10 (5).

INSERT 45-4

14 (2) A conduit shall include in each report filed with the board whether, during
 15 the reporting period, any contribution was redirected to a sponsor as permitted
 16 under s. 11.6004.

****NOTE: This is [modified] s. 11.06 (11) (d). However, conduits are not required
 to file periodic reports under this bill. On what schedule should a conduit report that is
 has redirected a contribution? Please advise.

INSERT 46-11

17 (3) If a conduit redirects a contribution under this section, the conduit shall
 18 include in its report for the reporting period during which the contribution is

1 redirected the information about the original contributor required for reporting
2 purposes for the dates on which the contribution is received and redirected and
3 whether the contribution is redirected to a sponsor or to an administrative fund of
4 the conduit.

****NOTE: This is [modified] current law s. 11.185 (3); it somewhat duplicates s. 11.6003 (2), above. However, as indicated in the previous note, conduits are not required to file periodic reports under the bill. On what schedule should a conduit report its redirected contributions? And what, specific, information do you want the conduit to report?

INSERT 73-13

5 **11.11004 Duties of the government accountability board.** The board
6 shall:

7 (1) Prescribe forms for making the reports, statements, and notices required
8 by this chapter. The board shall make the forms available free of charge on the
9 board's Internet site and shall distribute or arrange for the distribution of all forms
10 for use by other filing officers.

11 (2) Upon request, transmit a form described under sub. (1), free of charge, by
12 facsimile or by 1st class mail.

13 (3) (a) Prepare and publish for the use of persons required to file reports and
14 statements under this chapter a manual setting forth simply and concisely
15 recommended uniform methods of bookkeeping and reporting.

16 (b) Prepare, publish, and revise as necessary a manual simply and concisely
17 describing the filing and registration requirements established in this chapter in
18 detail, as well as other major provisions of this chapter and ch. 12.

19 (4) Develop a filing, coding, and cross-indexing system consonant with the
20 purposes of this chapter.

1 (5) Assign an identification number to each committee for whom the board acts
2 as a filing officer under s. 11.1001 (1) and to each conduit.

3 (6) (a) Except as provided in par. (b), require each committee for whom the
4 board serves as filing officer under s. 11.1001 (1) and each conduit to file each
5 campaign finance report that is required to be filed under this chapter in an
6 electronic format. The board shall permit an authorized individual to provide at the
7 time of filing an electronic signature, as defined in s. 137.11 (8), that is subject to a
8 security procedure, as defined in s. 137.11 (13). A committee or conduit that files a
9 report under this subsection in an electronic format may file with the board that
10 portion of the report signed by an authorized individual rather than submit the
11 electronic signature of that individual. The board shall provide complete
12 instructions to any committee and conduit that files a report under this subsection.

13 (b) Permit a committee or conduit that accepts contributions in a total amount
14 or value of \$1,000 or less during a campaign period to opt out of the requirement to
15 file a campaign finance report in an electronic format as specified in par. (a). In this
16 paragraph, the “campaign period” of a candidate committee begins and ends with the
17 “campaign” of the candidate whose candidacy is supported, as defined in [current law
18 s. 11.26 (17)], and the “campaign period” of any other committee begins on January
19 1 of each odd-numbered year and ends on December 31 of the following year.

 ****NOTE: Current law s. 11.21 (16) cross references s. 11.26 (17); this subsection
governs when a campaign starts and ends. I don't believe this draft includes a comparable
provision. Do you want to include something similar to s. 11.26 (17) in this draft? If not,
how should I modify the first clause of the last sentence of this paragraph?

20 (7) Compile and maintain on an electronic system a current list of all reports
21 and statements received by or required of and pertaining to each committee
22 registered under this chapter.

****NOTE: I eliminated the phrase "or parts thereof" following "reports and statements," and added "received by or required of." Okay?

1 **(8)** Maintain a duplicate record of any statement received by a political action
2 committee under s. 11.5004 or by a person under s. 11.11000 together with the record
3 of each candidate to whom it relates.

4 **(9)** Determine whether each financial report or statement required to be filed
5 under this chapter has been filed in the form and by the time prescribed by law, and
6 whether it conforms on its face to the requirements of this chapter.

7 **(10)** Immediately send to any committee or conduit which is delinquent in
8 filing, or which has filed otherwise than in the proper form, a notice that the
9 committee or conduit has failed to comply with this chapter. Whenever a candidate
10 committee has appointed an individual other than the candidate as campaign
11 treasurer, the board shall send the notice to both the candidate and the treasurer of
12 the candidate committee.

13 **(11)** Receive and maintain in an orderly manner all reports and statements
14 required to be filed with the state under the federal election campaign act. The board
15 shall:

16 (a) Preserve such reports and statements for a period of 6 years from date of
17 receipt.

18 (b) Compile and maintain a current list of all reports and statements pertaining
19 to each candidate who is required to file a report or statement under the federal
20 election campaign act.

****NOTE: I eliminated the phrase "or parts thereof" following "reports and statements." Can you foresee any reason why these words would be necessary?

21 (c) Promptly compile and release for public inspection a list of all reports
22 received from candidates for national office and from committees supporting or

1 opposing such candidates which are required to be filed with the state under the
2 federal election campaign act, as soon as possible after each deadline for receipt of
3 such reports as provided by federal law.

4 (12) Make the reports and statements filed under this chapter, including those
5 reports and statements filed under sub. (11), available on the board's Internet site
6 for public inspection and copying, commencing as soon as practicable but not later
7 than the end of the 2nd day following the day during which they are received.

8 (13) Upon the request of any person, permit copying of any report or statement
9 described under sub. (12) by hand or by duplicating machine at cost. No person may
10 sell the information copied from the report or statement or utilize the information
11 for the purpose of soliciting contributions from individuals identified in the report
12 or statement or for any commercial purpose.

13 (14) Include in its biennial report under s. 15.04 (1) (d) compilations of any of
14 the following in its discretion:

15 (a) Total reported contributions, disbursements, and incurred obligations for
16 all committees registered and reporting under this chapter during the biennium.

17 (b) Total amounts contributed during the biennium, reported by contribution
18 amounts as determined by the board, to each type of committee registered and
19 reporting under this chapter.

20 (c) Total amounts expended during the biennium, reported by expenditure
21 amounts as determined by the board, by each type of committee registered and
22 reporting under this chapter.

23 (d) Total amounts expended for influencing nominations and elections
24 whenever separate information is reported.

1 (e) Aggregate amounts contributed by any contributors shown to have
2 contributed more than \$100.

3 (15) Prepare and publish from time to time special reports comparing the
4 various totals and categories of contributions and disbursements made with respect
5 to preceding elections.

6 (16) Make available a list of delinquents for public inspection.

7 (17) Promulgate rules that require public access channel operators and
8 licensees of public television stations in this state to provide a minimum amount of
9 free time on public access channels and public television stations to individuals
10 whose names are certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear as candidates
11 for state office on the ballot at general, spring, or special elections. The rules
12 promulgated under this subsection shall require public access channel operators and
13 licensees of public television stations to offer the same amount of time to each
14 candidate for a particular state office, but may require different amounts of time to
15 be offered to candidates for different offices.

INSERT 70-4

1 **11.1007 Political solicitation involving public officials and employees**
2 **restricted. (1) In this section:**

3 (a) "Contribution" includes a contribution made for a political purpose.

4 (b) "Political purpose" means for the purpose of influencing the election or
5 nomination for election of an individual to state, local, or national office; for the
6 purpose of influencing the recall from or retention in office of an individual holding
7 a state, local, or national office; for the purpose of payment of a recount at an election,
8 or for the purpose of influencing a particular vote at a referendum.

 ****NOTE: I modified the definition of political purpose (which otherwise does not
appear in this draft) and contribution for this section. See current law ss. 11.01 (16)
(intro.) and 11.36 (5). We are using this defined term ("political purpose") as a placeholder
while we come up with a perhaps better term. Are you comfortable with the concept of
"political purpose" (that is, the substance of the definition) as it is used in this section and
s. 11.1008?

9 **(2) (a) Except as provided in par. (b) and (c), no person may solicit or receive**
10 **from any state officer or employee or from any officer or employee of the University**
11 **of Wisconsin Hospitals and Clinics Authority any contribution or service for any**
12 **political purpose while the officer or employee is engaged in his or her official duties.**

 ****NOTE: This is (modified) current law s. 11.36 (1). You asked whether this should
be moved to chapter 13. I don't believe moving this section is necessary. You also asked
that we amend this section to open a contribution / solicitation window for everyone and
not just candidates who are up for election in a year. I'm not clear about this instruction.

13 (b) Paragraph (a) does not apply to a contribution or service solicited or received
14 from a state officer or employee or an officer or employee of the University of
15 Wisconsin Hospitals and Clinics Authority who is on an unpaid leave of absence at
16 the time of the solicitation or receipt.

 ****NOTE: Does this accomplish your intent?

1 (c) An elected state official may solicit and receive services not constituting a
2 contribution from a state officer or employee or an officer or employee of the
3 University of Wisconsin Hospitals and Clinics Authority with respect to a
4 referendum only. Agreement to perform services authorized under this subsection
5 may not be a condition of employment for any such officer or employee.

6 (3) No person may solicit or receive from any officer or employee of a political
7 subdivision of this state any contribution or service for any political purpose during
8 established hours of employment or while the officer or employee is engaged in his
9 or her official duties.

10 (4) Every person who has charge or control in a building, office or room occupied
11 for any purpose by this state, by any political subdivision thereof, or by the
12 University of Wisconsin Hospitals and Clinics Authority shall prohibit the entry of
13 any person into that building, office, or room for the purpose of making or receiving
14 a contribution.

15 (5) No person may enter or remain in any building, office, or room occupied for
16 any purpose by the state, by any political subdivision thereof or by the University of
17 Wisconsin Hospitals and Clinics Authority or send or direct a letter or other notice
18 thereto for the purpose of requesting or collecting a contribution.

19 (6) This section does not apply to a response by a legal custodian or subordinate
20 of the custodian to a request to locate, reproduce, or inspect a record under s. 19.35
21 if the request is processed in the same manner as the custodian or subordinate
22 responds to other requests to locate, reproduce, or inspect a record under s. 19.35.

23 **11.1008 Unlawful political disbursements and obligations.** (1) In this
24 section, political purpose has the meaning given in s. 11.1007 (1) (b).

1 **(2)** No person may intentionally receive or accept anything of value, or any
2 promise or pledge thereof, constituting a disbursement made or obligation incurred
3 for political purposes contrary to law.

4 **(3)** (a) Except as provided in pars. (b) and (c), no committee may make or
5 authorize a disbursement or the incurrence of an obligation from moneys solicited
6 for a political purpose for a purpose which is other than a political purpose.

7 (b) A committee may accept contributions and make disbursements from a
8 campaign depository account for any of the following:

9 1. For the purpose of making expenditures in connection with a campaign for
10 national office.

11 2. For payment of civil penalties incurred by the committee under this chapter
12 but not under any other chapter.

13 3. For the purpose of making a donation to a charitable organization or the
14 common school fund.

15 4. For payment of the expenses of nonpartisan campaigns to increase voter
16 registration or participation.

17 (c) A candidate committee may accept contributions and make disbursements
18 from a campaign depository account for payment of inaugural expenses of an
19 individual who is elected to state or local office. Inaugural expenses paid from
20 contributions made to the campaign depository account are reportable under s.
21 11.2003 (1) as disbursements and are subject to the limits under s. 11.9000.

22 **(4)** No moneys solicited for political purposes and reported under this chapter
23 may be invested for the purpose of producing income unless the investment is in
24 direct obligations of the United States and of agencies and corporations wholly
25 owned by the United States, commercial paper maturing within one year from the

1 date of investment, preferred shares of a corporation, or securities of an investment
2 company registered under the federal investment company act of 1940 (15 USC 80a)
3 and registered for public offer and sale in this state of the type commonly referred
4 to as a "money market fund".

5 **11.1009 Solicitation of contributions from candidates restricted. (1)**

6 Subject to sub. (2), no person may demand, solicit, take, invite, or receive from a
7 candidate any gift of anything of value for a religious, charitable, or fraternal cause
8 or for any organization other than a committee. No candidate may make, intimate,
9 or promise such a gift.

10 (2) This section does not apply to the payment of a regular subscription or
11 contribution by an individual to an organization of which the individual is a member
12 or to which the individual may have been a regular contributor prior to the
13 individual's candidacy or to an offering at a regular church service.

****NOTE: I changed the phrase "ordinary contributions" to offerings in sub. (2)
(compare current law s. 11.34 (2)). Okay?