



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1469/P10  
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2 **SECTION 1.** Chapter 11 of the statutes is repealed and recreated to read: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 **11.0101 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:

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

2 2. Is nominated as a candidate for state or local office by a caucus under s. 8.05  
3 (1) or by a political party and the nomination is certified to the appropriate filing  
4 officer.

5 3. Receives a contribution, makes a disbursement, or gives consent for another  
6 person to receive a contribution or make a disbursement in order to bring about the  
7 individual's nomination or election to a state or local office.

\*\*\*\*NOTE: Do you want to permit an individual to accept contributions or make disbursements related to bringing about that individual's nomination to office before the individual has registered with the GAB? If not, it may make sense to eliminate reference to nomination in this particular provision.

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.

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.

15 4 (3) "Charitable organization" means any organization described in section 170  
16 (c) (2) of the Internal Revenue Code, and also includes the United States, any state,  
17 territory or possession, and the District of Columbia; and any political subdivision  
18 of any any state, territory, or possession; when a gift is made exclusively for public  
19 purposes.

20 3 (4) "Candidate's agent" means an individual who acts under the direction of the  
21 candidate regarding the conduct of the candidate's campaign and the operation of the  
22 candidate committee, but does not include an employee of a political party or a  
23 legislative campaign committee that is not also an employee of the candidate.

move →

Material moved from p. 2

1 (5) "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.

6 (6) "Committee" means a candidate committee, legislative campaign  
7 committee, political action committee, political party, recall committee, and  
8 referendum committee.

9 (7) "Conduit" means a person other than an individual that receives a  
10 contribution of money, deposits the contribution in an account held by the conduit,  
11 and releases the contribution to a candidate committee, legislative campaign  
12 committee, or political party without exercising discretion as to the amount that is  
13 released and the committee to which the released contribution is made.

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

- 15 1. A gift, subscription, loan, advance, or transfer of money to a committee.
- 16 2. A transfer of tangible personal property or services to a committee valued  
17 at replacement value at the time of transfer.

\*\*\*\*NOTE: Following our meeting on April 6, this definition now uses "replacement value."

\*\*\*\*NOTE: I don't know that services described here are meaningfully distinguished from services that are not contributions, described in par. (b) 1. below. Is it a matter of the intent of the individual providing the services? If so, should that be made explicit?

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

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

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

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, <sup>or subch.</sup> or recall if the materials were previously reported as a contribution  
13 under subchapter IX.

\*\*\*\*NOTE: This definition was modified in response to our discussion about “stakes”.  
The version in the /P5 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.

16          (9) “Corporation” includes a foreign limited liability company, as defined in s.  
17 183.0102 (8) and a limited liability company, as defined in s. 183.0102 (10), if the  
18 foreign limited liability company or the limited liability company elect to be treated  
19 as a corporation by the federal internal revenue service, pursuant to 26 CFR

1 301.7701–3, or if the foreign limited liability company or the limited liability  
2 company <sup>a</sup> has publicly traded shares.

3 (10) “Disbursement” means any of the following:

4 (a) An expenditure by a committee from the committee’s depository account.

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

6 (c) The transfer of funds between committees.

7 (11) “Express advocacy” means all of the following:

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

10 1. “Vote for”.

11 2. “Elect”.

12 3. “Support”.

13 4. “Cast your ballot for”.

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

15 6. “Vote against”.

16 7. “Defeat”.

17 8. “Reject”.

18 9. “Cast your ballot against”.

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

22 (12) “Federal account committee” means a committee of a state political party  
23 organization that makes contributions to candidates for national office and is  
24 registered with federal election commission.

the

1           (13) “Federal candidate committee” means a committee of a candidate for the  
2 U.S. senate or house of representatives from this state that the candidate designates  
3 under 2 USC 432 (e). ✓

4           (14) “Filing officer” means the board or official as determined under s. 11.0102.

5           (15) “General election” means the election held in even-numbered years on the  
6 Tuesday after the first Monday in November to elect United States senators,  
7 representatives in congress, presidential electors, state senators, representatives to  
8 the assembly, district attorneys, state officers other than the state superintendent  
9 and judicial officers, and county officers other than supervisors and county  
10 executives.

11           (16) “Independent expenditure” means an expenditure for express advocacy by  
12 a person, if the expenditure is not made in coordination with a candidate, candidate  
13 committee, candidate’s agent, legislative campaign committee, or political party, as  
14 prohibited under s. 11.1002. ✓

15           (17) “Intentionally” has the meaning given in s. 939.23 (3).

16           (18) “Legislative campaign committee” means a committee organized in either  
17 house of the legislature to support a candidate for legislative office.

18           (19) “Major purpose” means a person’s major purpose as specified in the  
19 person’s organizational documents or as indicated by the person.

20           (20) “Obligation” means any express obligation to make a contribution or  
21 disbursement, including all of the following:

22           (a) A loan or loan guarantee.

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

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

\*\*\*\*NOTE: This definition of “obligation” is based on the current law definition of “incurred obligation”.

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

3           (22) “Partnership” means a partnership, as defined in s. 178.03, a foreign  
4 limited partnership, as defined in s. 179.01 (4), and a limited partnership, as defined  
5 in s. 179.01 (7).

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

- 8           1. Has express advocacy as its major purpose.
- 9           2. Is organized by any person, other than an individual, or by any combination,  
10 permanent or temporary, of 2 or more persons unrelated by marriage.
- 11           3. Makes or accepts contributions or makes expenditures with regard to a state  
12 or local office and to support or oppose a candidate, a candidate committee, a  
13 legislative campaign committee, a political party committee, or a recall committee.

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

16           (24) (a) “Political party” means all of the following:

- 17           1. A state committee organized exclusively for express advocacy purposes  
18 under whose name candidates appear on a ballot at any election and all county,  
19 legislative, local, and other affiliated committees authorized to operate under the  
20 same name.
- 21           2. A committee described under subd. 1. that makes and accepts contributions  
22 and makes expenditures to support or oppose a candidate for state or local office or  
23 to support or oppose a referendum held in this state.

1 (b) "Political party" does not include a legislative campaign committee.

2 (25) "Recall committee" means a committee formed for the purpose of  
3 supporting or opposing the recall of an incumbent elective official holding a state or  
4 local office.

5 (26) "Referendum committee" means a committee that is organized by any  
6 person, other than an individual, or by any combination, permanent or temporary,  
7 of 2 or more persons unrelated by marriage that acts to support or oppose the passage  
8 or defeat of a referendum held in this state, but that does not receive contributions  
9 or make expenditures or contributions for the purpose of influencing or attempting  
10 to influence a candidate's nomination or election.

\*\*\*\*NOTE: In the /P9, we eliminated "referendum question" and replaced it with  
"referendum held in this state".

11 (27) "Special election" means any election, other than those described in subs.  
12 (15), (21), (29), and (28), to fill vacancies or to conduct a referendum.

13 (28) "Special primary" means the primary held 4 weeks before the special  
14 election except when the special election is held on the same day as the general  
15 election the special primary shall be held on the same day as the general primary or  
16 if the special election is held concurrently with the spring election, the primary shall  
17 be held concurrently with the spring primary.

18 (29) "Treasurer" means the individual who registers a committee or conduit  
19 with a filing officer under subch. II and who makes reports on behalf of a committee.

20 (30) "Spring election" means the election held on the first Tuesday in April to  
21 elect judicial, educational, and municipal officers, nonpartisan county officers and  
22 sewerage commissioners, and to express preferences for the person to be the

Handwritten circled '2' and arrow pointing to '(25)'

Handwritten circled '1' and '2' in the left margin

Handwritten '29' and '30' with arrows pointing to '(29)' and '(28)'

Handwritten 'partisan' with arrow pointing to 'general primary'

Handwritten 'special' and 'or a condu...' with arrows pointing to 'primary shall' and 'conduit'

Handwritten '31' with arrow pointing to '(29)'

Handwritten '29' with arrow pointing to '(30)'

Handwritten arrow pointing to 'move to 9-'



*material moved from  
p. 8*

1 presidential candidate for each political party in a year in which electors for  
2 president and vice president are to be elected.

3 <sup>30</sup> (31) "Spring primary" means the nonpartisan primary held on the 3rd Tuesday  
4 in February to nominate nonpartisan candidates to be voted for at the spring  
5 election.

6 **11.0102 Determination and duties of filing officer; fees.** (1) Each  
7 candidate and committee required to register and report under this chapter and each  
8 conduit required to register under this chapter shall have and shall file each  
9 registration statement and report required under this chapter with one filing officer.

10 The identity of the appropriate filing officer follows:

11 (a) The "filing officer" for each candidate for state office is the board.

12 (b) Except as provided in par. (c), the "filing officer" for each candidate for local  
13 office is the clerk of the most populous jurisdiction for which any candidate who is  
14 supported or opposed seeks office.

15 (c) The "filing officer" for each candidate for municipal judge elected under s.  
16 755.01 (4) is the county clerk or board of election commissioners of the county having  
17 the largest portion of the population in the jurisdiction served by the judge.

18 (d) The "filing officer" for each conduit is the board.

19 (e) The "filing officer" for each committee acting to support or oppose any  
20 candidate for state office is the board.

21 (f) The "filing officer" for each committee acting to support or oppose any  
22 candidates for state and local offices is the board.

23 (g) Except as provided in par. (h), the filing officer for each committee acting  
24 to support or oppose any candidate for local office, but not any candidate for state

1 office, is the clerk of the most populous jurisdiction for which any candidate who is  
2 supported or opposed seeks office.

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

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

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

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

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

17 (m) If the jurisdiction under par. (b), (g), or (L) is a school district, the “filing  
18 officer” for purposes of par. (b), (g), or (L) is the school district clerk.

19 (2) (a) Except as provided in pars. (c) and (d), each committee that is required  
20 to register under this chapter shall annually pay a filing fee of \$100 to the board. The  
21 board may accept payment under this subsection by credit card, debit card, or other  
22 electronic payment mechanism, and may charge a surcharge to that committee to  
23 recover charges associated with the acceptance of that electronic payment.

\*\*\*\*NOTE: Do you want to limit the amount of the surcharge to the actual charges  
associated with the acceptance of the electronic payment?

\*\*\*\*NOTE: Do you want to identify by cross-reference each statutory section that requires registration?

1 (b) Except as provided in s. 11.0104 (1), a committee that is subject to par. (a)  
2 shall pay the fee specified in par. (a) together with the report filed by that committee  
3 on the 15th day of the month of January in each year. If a committee that is subject  
4 to par. (a) registers under this chapter or changes status so that par. (a) becomes  
5 applicable to the committee during a calendar year, the committee shall pay the fee  
6 for that year with the filing of the committee's registration statement or at any time  
7 before the change in status becomes effective.

8 (c) Paragraph (a) does not apply to a candidate committee.

9 (d) Paragraph (a) does not apply to any committee for any year during which  
10 the committee does not make disbursements exceeding a total of \$2,500.

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

12 (a) Obtain the forms and manuals prescribed by the board under s. 11. \_\_000  
13 (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?

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

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

18 1. Forms prescribed by the board for the making of reports and statements.  
19 The officer shall send the required forms, by 1st class mail addressed to the attention  
20 of the treasurer or other person indicated on the committee's registration statement,

1 not earlier than 21 days and not later than 14 days prior to the applicable filing  
2 deadline under this chapter. The officer need not send forms to a committee who has  
3 made an indication that aggregate contributions, disbursements, and obligations  
4 will not exceed the amount specified under s. 11.1003 (1) or to a registrant who has  
5 been granted a suspension under s. 11.1003 (3). Whenever a filing officer sends  
6 notice of the filing requirements under this chapter to the treasurer of a candidate  
7 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?

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

9 (d) Notify the board, in writing, of any facts within the filing officer's knowledge  
10 or evidence in the officer's possession, including errors or discrepancies in reports or  
11 statements and delinquencies in filing which may be grounds for civil action or  
12 criminal prosecution. The board may transmit a copy of the notification submitted  
13 under this paragraph to the district attorney. The board or the attorney general shall  
14 advise the filing officer in writing at the end of each 30-day period of the status of  
15 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.

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

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

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

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

9 (i) Determine whether each financial report or statement required to be filed  
10 under this chapter has been filed in the form and by the time prescribed by law, and  
11 whether it conforms on its face to the requirements of this chapter. The officer shall  
12 immediately send to any committee that is delinquent in filing, or that has filed  
13 otherwise than in the proper form, a notice that the committee has failed to comply  
14 with this chapter. Whenever a candidate committee has appointed an individual  
15 other than the candidate as campaign treasurer, the board shall send the notice to  
16 both the candidate and the treasurer of the candidate committee.

17 **11.0103 Reporting; general. (1) REPORT MUST BE COMPLETE.** (a) Each  
18 committee required to file a report under this chapter shall make a good faith effort  
19 to obtain all required information.

20 (b) Failure to receive a form or notice from a filing officer or notice does not  
21 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?

1           (2) CONTRIBUTIONS; WHEN RECEIVED; WHEN REPORTED. (a) 1. A contribution is  
2 received by a candidate committee for purposes of this chapter when it is under the  
3 control of the candidate or the treasurer or agent of the candidate.

4           2. A contribution is received by a conduit or committee for purposes of this  
5 chapter when it is under the control of the treasurer or agent of the conduit or  
6 committee.

7           (b) Unless it is returned or donated within 30 days of receipt under par. (a), a  
8 contribution must be reported as received and accepted on the date received.

9           (3) CONTENTS OF REPORT; FILING DATES; CERTIFICATION; SHORT FORM; CONTENTS. (a)  
10 The first report shall commence no later than the date that the first contribution is  
11 received and accepted. Reports filed under this chapter shall include all  
12 contributions received, disbursements and transactions made, and obligations  
13 incurred as of the end of:

\*\*\*\*NOTE: We added "disbursements and obligations" here.

14           1. The 15th day preceding the primary or election in the case of the preprimary  
15 and preelection report.

16           2. The last day of the immediately preceding month in the case of a continuing  
17 report required under [multiple sections].

18           3. Five days preceding the deadline for filing of the report in the case of the  
19 report required under [multiple sections].

20           4. The 22nd day following the special election in the case of the postelection  
21 report required under [multiple sections].

22           (b) Each report shall be filed with the appropriate filing officer on the dates  
23 designated in this chapter.

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

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

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

9 (4) PREPRIMARY AND PREELECTION REPORTS; TIMING; INACTIVITY. (a) 1. Preprimary  
10 and preelection reports required under this chapter shall be received by the  
11 appropriate filing officer no earlier than 14 days and no later than 8 days preceding  
12 the primary and the election.

\*\*\*NOTE: This subdivision duplicates current law.

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

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

15 (b) A contribution, disbursement, or obligation to support or oppose a candidate  
16 at a primary that is made, accepted, or incurred during the period covered by the  
17 preprimary report is considered to be made, accepted or incurred to support or oppose  
18 that candidate at the primary, regardless of whether the candidate is opposed at the  
19 primary.

\*\*\*NOTE: We added "disbursements and obligations" here.

\*\*\*NOTE: We removed "in support of or in opposition to" and replaced that phrase  
with "to support or oppose" here and in any other place this phrase appeared in the draft.

20 (c) A contribution, disbursement, or obligation to support or oppose a candidate  
21 at an election that is made, accepted, or incurred during the period covered by the

1 preelection report is considered to be made, accepted, or incurred to support or  
2 oppose that candidate at the election, regardless of whether the candidate is opposed  
3 at the election.

4 (d) 1. a. Except as provided in subd. 2., a committee that makes, accepts, or  
5 incurs a contribution, disbursement, or obligation to support or oppose a candidate  
6 at a primary during the period covered by the preelection report, but does not engage  
7 in such activity during the period covered by the preprimary report, is not required  
8 to file a preprimary report.

9 b. Except as provided in subd. 2., a committee that makes, accepts, or incurs  
10 a contribution, disbursement, or obligation to support or oppose a candidate at an  
11 election during the period covered by the report that follows the preelection report,  
12 but does not engage in such activity during the period covered by the preelection  
13 report, is not required to file a preelection report.

14 2. A candidate committee that makes, accepts, or incurs a contribution,  
15 disbursement, or obligation to support or oppose a candidate at a primary during the  
16 period covered by the preprimary report shall file both the preprimary and  
17 preelection reports, regardless of whether the candidate committee engages in such  
18 activity during the period covered by the preelection report.

19 **11.0104 Reporting exemptions; inactivity; dissolution of committee**  
20 **and termination reports; suspension reports. (1) (a)** Any committee that does  
21 not anticipate accepting contributions, making disbursements or incurring  
22 obligations in an aggregate amount in excess of \$1,000 in a calendar year and does  
23 not anticipate accepting any contribution or contributions from a single source, other  
24 than contributions made by a candidate to his or her own campaign, exceeding \$100  
25 in that year may indicate on its registration statement that the committee will not



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

7 (b) A committee that makes an indication under par. (a) is not required to file  
8 a termination report under sub. (2).

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 chapter as of the date of revocation, or the date that aggregate  
12 contributions, disbursements, or obligations for the calendar year exceed \$1,000. If  
13 the revocation is not timely, the committee violates s. 11.1002.

\*\*\*\*NOTE: This reporting exemption is taken from current law s. 11.05 (2r). That section requires the committee, group, or individual to indicate inactivity on the registration statement. We retained that language in this draft. That begs two questions:

1. This draft is not clear: do you intend committees to file a new registration statement each year? If so, we should make that point clear.

2. Either way, do you want to tie the indication of inactivity to the registration statement? Or do you want to require the committee to file a statement of inactivity?

\*\*\*\*NOTE: In the /P8, each subchapter (for each committee) contained a “general reporting exemption” for inactivity. Because the language was (mostly) identical in each such section, and because we are including the section governing dissolution of committees and termination reports in this subchapter, I eliminated the duplicative material and created one section here in Subchapter I (general provisions).

\*\*\*\*NOTE: This section seems duplicative, to some extent, of s. 11.0104 (3), governing suspension reports (this appears at current law s. 11.19 (2)). Do you want to retain both provisions? ✓

14 (2) (a) Whenever any committee dissolves or determines that obligations will  
15 no longer be incurred, and contributions will no longer be received nor disbursements  
16 made during a calendar year, and the committee has no outstanding incurred

1 obligations, the committee shall file with the appropriate filing officer a termination  
2 report that indicates a cash balance of zero at the end of the reporting period.

\*\*\*\*NOTE: I substituted the word dissolves for disbands in the first sentence of this subsection. Is there a reason that dissolves is not an appropriate term to use here?

3 (b) The committee shall certify the termination report in the manner required  
4 under s. 11.0103 (3) (c) and shall include the information required to be reported by  
5 that committee on its periodic reports.

\*\*\*\*NOTE: Do you want to cross-reference the specific statutory sections requiring periodic reports (see, for example, s. 11.0204)?

6 (c) The committee shall include in the termination report filed under this  
7 subsection the manner in which residual funds were disposed. Residual funds may  
8 be used for any political purpose not prohibited by law, returned to the donors in an  
9 amount not exceeding the original contribution, or donated to a charitable  
10 organization or the common school fund.

11 (d) A committee to which s. 11.0102 (3) applies shall pay the fee imposed under  
12 that subsection with a termination report filed under this subsection.

13 (e) This subsection does not apply to any committee making an indication  
14 under sub. (1).

15 (3) (a) Notwithstanding sub. (2), any committee which determines that  
16 obligations will no longer be incurred, contributions will no longer be made or  
17 received or disbursements made during a calendar year in an aggregate amount of  
18 more than \$1,000 may file a suspension report with the appropriate filing officer.

19 (b) The committee shall certify the suspension report in the manner required  
20 under s. 11.0103 (3) (c) and shall include the information required to be reported by  
21 that committee on its periodic reports.

1 (c) Upon receipt of a properly executed suspension report by a committee, the  
2 appropriate filing officer shall suspend the requirement imposed upon that  
3 committee by this chapter to file periodic reports. A suspension under this paragraph  
4 is effective only for the calendar year in which it is granted, unless the committee  
5 alters its status before the end of such year or files a termination report under sub.  
6 (2).

7 (4) In no case may a candidate committee file a termination or suspension  
8 report covering any period ending sooner than the date of the election in which the  
9 candidate committee is participating.

10 (5) If a committee files a termination report under sub. (2) or a suspension  
11 report under sub. (3) and within 60 days thereafter receives and accepts an  
12 unanticipated contribution, the committee shall do one of the following within 60  
13 days after receipt of the unanticipated contribution:

\*\*\*\*NOTE: Do you want to specify a de minimis amount of contributions that would  
not trigger the reporting requirement under this subsection?

\*\*\*\*NOTE: Do you want to impose this same requirement on committees that file  
reports under sub. (1) (anticipating inactivity)?

14 (a) File an amended termination report. An amended report supersedes the  
15 previous report. The individual who certifies to the accuracy of the report shall also  
16 certify to a statement that the amended report is filed on account of the receipt of  
17 unanticipated contributions and the failure to file a correct termination report was  
18 not intentional.

19 (b) Return the contribution to the contributor or donate the contribution to the  
20 common school fund or to a charitable organization.



1           (2) (a) The treasurer shall ensure that all funds received are deposited in the  
2 candidate committee depository account.

3           (b) Notwithstanding par. (a), any candidate who serves as his or her own  
4 treasurer and who is authorized to make and makes an indication on his or her  
5 registration statement under s. 11.0104 (1) that he or she will not accept  
6 contributions, make disbursements, or incur obligations in an aggregate amount  
7 exceeding \$1,000<sup>✓</sup> in a calendar year may designate a single personal account as his  
8 or her candidate committee depository account, and may intermingle personal and  
9 other funds with campaign funds. If a candidate establishes a separate candidate  
10 committee depository account, the candidate shall transfer all campaign funds in the  
11 personal account to the new depository account. Disbursements made from a  
12 personal account under this paragraph need not be identified in accordance with s.  
13 11.0105.

\*\*\*\*NOTE: This par. (b) is (modified) current law s. 11.14 (3); we eliminated reference to a contribution exceeding \$100 from a single source. Does this paragraph accomplish your intent? Note that we eliminated similar language from s. 11.0104 (1) (a) (current law s. 11.05 (2r)) under which a committee may make an indication of inactivity. Okay?

\*\*\*\*NOTE: Current law exempts disbursements from a personal account from compliance with the “negotiable instrument” requirement; this bill retains that exception. Is that consistent with your intent?

14           (3) No disbursement may be made or obligation incurred by or on behalf of a  
15 candidate committee without the authorization of the treasurer or a designated  
16 agent.

17           (4) The treasurer shall maintain the records of the candidate committee in an  
18 organized and legible manner for not less than 3 years after the date of the election  
19 in which the candidate committee participates.

20           **11.0202 Registration; timing; candidate committee required.** (1) TIME  
21 OF REGISTRATION. (a) Each candidate, through his or her candidate committee, shall

1 file a registration statement with the appropriate filing officer giving the  
2 information required under s. 11.0203<sup>✓</sup> no later than the time that the candidate  
3 qualifies as a candidate under s. 11.0101<sup>✓</sup> (1).

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

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

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

13 1. Accepting a contribution and making a disbursement in the amount required  
14 to rent a postal box, or in the minimum amount required by a bank or trust company  
15 to open a checking account, prior to the time of registration, if the disbursement is  
16 properly reported on the first report submitted under s. 11.0204<sup>✓</sup> after the date that  
17 the candidate committee is registered, whenever a reporting requirement applies to  
18 the candidate committee.

19 2. Accepting a contribution and making a disbursement required for the  
20 production of nomination papers.

21 (c) Except as provided in par. (d), no candidate may establish more than one  
22 candidate committee. A candidate committee may have subcommittees provided  
23 that all subcommittees have the same treasurer as the candidate committee.

1 (d) An individual who holds a state or local elective office may establish a  
2 second candidate committee under this subchapter for the purpose of pursuing a  
3 different state or local office.

\*\*\*\*NOTE: How long may an individual maintain two candidate committees?

\*\*\*\*NOTE: When must the candidate terminate the second candidate committee?  
Would the candidate simply follow the termination procedures under s. 11.0105 (1) and  
(4) or did you want to require the candidate to follow a different procedure?

4 2  
4

4 **11.0203 Registration; required information. (1) REQUIRED INFORMATION.**

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

6 (a) The name and mailing address of the candidate committee.

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

12 (c) In the case of a candidate committee of an independent candidate for  
13 partisan office or a candidate for nonpartisan county or municipal office, a list of the  
14 members of the committee, in addition to those specified in par. (b), if any, whom the  
15 filing officer shall recognize as eligible to fill a nomination vacancy if the candidate  
16 dies before the election.

17 (d) The name and address of the depository account of the candidate committee  
18 and of any other institution where funds of the committee are kept.

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

1           **(3) CHANGE OF INFORMATION.** (a) Any change in information previously  
2 submitted in a registration statement shall be reported by the candidate 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) A candidate or the treasurer of the candidate's committee may report a  
7 change in the candidate committee's registration statement.

8           **11.0204 Reporting.** **(1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each  
9 candidate, through his or her candidate committee, shall make full reports, upon a  
10 form prescribed by the board and signed by the treasurer under s. 11.0103 (3) (c), of  
11 all contributions received by the candidate candidate. The candidate committee  
12 shall include in each report the following information, covering the period since the  
13 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 candidate committee, together with the  
16 amount of the contribution.

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

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

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



1           4. An itemized statement of each contribution made anonymously. If the  
2 contribution exceeds \$10, the candidate committee shall specify whether the  
3 candidate 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           5. A statement of totals during the reporting period of contributions received  
7 and contributions donated as provided in subd. 4.

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

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

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

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

15           c. The date and amount of the loan.

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

17           e. The original amount guaranteed by each guarantor.

18           f. The balance of the amount guaranteed by each guarantor at the end of the  
19 reporting period.

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

23          9. An itemized statement of every obligation exceeding \$20 in amount or value,  
24 together with the name of the person or business with whom the obligation was

1 incurred, and the date and the specific purpose for which each such obligation was  
2 incurred.

3 10. A statement of totals during the reporting period of disbursements made,  
4 including transfers made to and received from any other committees, other income,  
5 and loans.

6 11. A statement of the balance of obligations incurred as of the end of the  
7 reporting period.

8 12. A statement of cumulative totals for the calendar year of contributions  
9 made, contributions received, and disbursements made, including transfers of funds  
10 made to or received from other committees.

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

18 (2) REPORTS; CANDIDATES AT SPRING PRIMARY. A candidate committee of a  
19 candidate at a spring primary or of a candidate at a special primary held to nominate  
20 nonpartisan candidates to be voted for at a special election held to fill a vacancy in  
21 one or more of the nonpartisan state or local offices voted for at the spring election  
22 shall do all of the following:

1           (a) File a preprimary report. If a candidate for a nonpartisan state office at an  
2 election is not required to participate in a spring primary, the candidate committee  
3 shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the  
4 date specified for the holding of the primary, were it to be required.

5           (b) File a preelection report.

6           (c) 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           **(3) REPORTS; CANDIDATES AT SPRING ELECTIONS.** A candidate committee of a  
9 candidate at a spring election or of a candidate at a special election held to fill a  
10 vacancy in one or more of the nonpartisan state or local offices voted for at the spring  
11 election shall do all of the following:

12           (a) File a preelection report.

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

15           **(4) REPORTS; CANDIDATES AT PARTISAN PRIMARY.** A candidate committee of a  
16 candidate at a partisan primary or of a special primary held to nominate candidates  
17 to be voted for at a special election held to fill a vacancy in one or more of the state  
18 or local offices voted for at the general election shall do all of the following:

19           (a) File a preprimary report.

20           (b) File a preelection report.

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

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

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

5           (a) File a preelection report.

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

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

10          (6) REPORTS; CANDIDATES HOLDING OFFICE BUT NOT UP FOR ELECTION AT GENERAL  
11 ELECTION. A candidate committee of a candidate holding an office voted for at the  
12 general election but not up for election in the current election cycle shall do all of the  
13 following:

14          (a) 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          (b) 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.

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

18          **11.0205 Transfers between candidates for governor and lieutenant**  
19 **governor.** The candidate committee for governor and the candidate committee for  
20 lieutenant governor of the same political party may receive contributions and make  
21 disbursements for both candidates from either candidate committee's depository  
22 account.

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

## POLITICAL PARTIES

1  
2           **11.0301 Registration; treasurer and depositories.** (1) Each political party  
3 required to register under this chapter shall designate a treasurer to comply with the  
4 registration and reporting requirements under this subchapter.

5           (2) The treasurer shall ensure that all funds received are deposited in the  
6 political party depository account.

7           (3) No disbursement may be made or obligation incurred by or on behalf of the  
8 political party committee without the authorization of the treasurer or a designated  
9 agent.

10           (4) The treasurer shall maintain the records of the political party in an  
11 organized and legible manner for not less than 3 years after the date of the election  
12 in which the political party participates.

13           **11.0302 Registration; timing.** Every political party that makes or accepts  
14 contributions, incurs obligations, or makes disbursements to support or oppose a  
15 candidate in a calendar year shall, upon its inception and prior to making or  
16 accepting any such contribution, incurring any such obligation, or making any such  
17 disbursement, file a registration statement giving the information required by s.  
18 11.3002.

19           **11.0303 Registration; required information.** (1) REQUIRED INFORMATION.  
20 The statement of registration shall include all of the following, where applicable:

21           (a) The name and mailing address of the political party.

22           (b) The name and mailing address of the treasurer and any other custodian of  
23 books and accounts. Unless otherwise directed by the treasurer on the registration  
24 form and except as otherwise provided in this chapter or any rule of the board, all

1 mailings that are required by law or by rule of the board shall be sent to the treasurer  
2 at the treasurer's address indicated upon the form.

3 (c) The name and address of the depository account of the political party and  
4 of any other institution where funds of the political party committee are kept.

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

9 (3) CHANGE OF INFORMATION. (a) Any change in information previously  
10 submitted in a registration statement shall be reported by the political party within  
11 10 days following the change. Except as provided in par. (b), any such change may  
12 be reported only by the individual or by the officer who has succeeded to the position  
13 of an individual who signed the original statement.

14 (b) The chief executive officer or treasurer indicated on the registration  
15 statement of a political party may report a change in the political party's registration  
16 statement.

17 **11.0304 Reporting.** (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each political  
18 party shall make full reports, upon a form prescribed by the board and signed by the  
19 treasurer under s. 11.1002 (3) (c), of all contributions made and received by the  
20 political party. The political party shall include in each report the following  
21 information, covering the period since the last date covered on the previous report:

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

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

4           3. The name of the principal place of employment, if any, of each individual  
5 contributor whose cumulative contributions to the political party for the calendar  
6 year are in excess of \$300.

7           4. An itemized statement of each contribution made anonymously to the  
8 political party committee. If the contribution exceeds \$10, 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           5. A statement of totals during the reporting period of contributions received  
13 and contributions donated as provided in subd. 4.

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

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

- 18           a. The full name and mailing address of the lender.  
19           b. A statement of whether the lender is a commercial lending institution.  
20           c. The date and amount of the loan.  
21           d. The full name and mailing address of each guarantor, if any.  
22           e. The original amount guaranteed by each guarantor.  
23           f. The balance of the amount guaranteed by each guarantor at the end of the  
24 reporting period.

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

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

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

11           11. A statement of the balance of obligations incurred as of the end of the  
12 reporting period.

13           12. A statement of cumulative totals for the calendar year of contributions  
14 made, contributions received, and disbursements made, including transfers of funds  
15 made to or received from other committees.

16           (b) The first report shall commence no later than the date that the first  
17 contribution is received and accepted.

18           (c) All contributions received by any person acting as an agent of a political  
19 party required to report under this subchapter shall be reported by such person to  
20 the treasurer of the political party within 30 days of receipt by the agent. In the case  
21 of a contribution of money, the agent shall transmit the contribution to the treasurer  
22 within 30 days of receipt by the agent. The treasurer shall report the contribution  
23 within 30 days of initial receipt by the agent.

24           **(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY.** A political  
25 party that makes or accepts contributions to support or oppose one or more



1 candidates for office at a spring primary or a candidate at a special primary held to  
2 nominate nonpartisan candidates to be voted for at a special election held to fill a  
3 vacancy in one or more of the nonpartisan state or local offices voted for at the spring  
4 election, or that supports or opposes committees engaging in such activities, shall do  
5 all the following:

6 (a) File a preprimary report. If a candidate for a nonpartisan state office at an  
7 election is not required to participate in a spring primary, the political party shall file  
8 a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date  
9 specified for the holding of the primary, were it to be required.

10 (b) File a preelection report.

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

13 **(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION.** A political  
14 party committee that makes or accepts contributions to support or oppose one or  
15 more candidates for office at a spring election or a candidate at a special election held  
16 to fill a vacancy in one or more of the nonpartisan state or local offices voted for at  
17 the spring election, or that supports or opposes other committees engaging in such  
18 activities, shall do all the following:

19 (a) File a preelection report.

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

22 **(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY.** A political  
23 party that makes or accepts contributions to support or oppose one or more  
24 candidates for office at a partisan primary or a candidate at a special primary held  
25 to nominate candidates to be voted for at a special election held to fill a vacancy in

1 one or more of the state or local offices voted for at the general election, or that  
2 supports or opposes other committees engaging in such activities, shall do all the  
3 following:

4 (a) File a preprimary report.

5 (b) File a preelection report.

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

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

10 **(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION.** A political  
11 party that makes or accepts contributions to support or oppose one or more  
12 candidates for office at a general election or a candidate at a special election held to  
13 fill a vacancy in one or more of the state or local offices voted for at the general  
14 election, or that supports or opposes other committees engaging in such activities  
15 shall do all of the following:

16 (a) File a preelection report.

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

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

21 **(6) REPORTS BY POLITICAL PARTY COMMITTEES.** Every committee of a political  
22 party that is required to file statements and reports under this subchapter shall file  
23 all statements and reports with the board. A congressional, legislative, county, or  
24 local party committee may designate a state committee of a political party as its  
25 reporting agent for purposes of this subchapter, but such designation does not permit

1 combining reports. The state committee treasurer shall inform the board of a  
2 designation made under this subsection.

### 3 SUBCHAPTER IV

### 4 LEGISLATIVE CAMPAIGN COMMITTEES

5 **11.0401 Registration; treasurer and depositories.** (1) Each legislative  
6 campaign committee required to register under this chapter shall designate a  
7 treasurer to comply with the registration and reporting requirements under this  
8 subchapter.

9 (2) The treasurer shall ensure that all funds received are deposited in the  
10 legislative campaign committee depository account.

11 (3) No disbursement may be made or obligation incurred by or on behalf of a  
12 legislative campaign committee without the authorization of the treasurer or a  
13 designated agent.

14 (4) The treasurer shall maintain the records of the legislative campaign  
15 committee in an organized and legible manner for not less than 3 years after the date  
16 of the election in which the legislative campaign committee participates.

17 **11.0402 Registration; timing.** Every legislative campaign committee that  
18 makes or accepts contributions, incurs obligations, or makes disbursements to  
19 support or oppose a candidate in a calendar year shall, upon its inception and prior  
20 to making or accepting any such contribution, incurring any such obligation, or  
21 making any such disbursement, file a registration statement giving the information  
22 required by s. 11.0403.

23 **11.0403 Registration; required information.** (1) REQUIRED INFORMATION.  
24 The statement of registration shall include all of the following:

25 (a) The name and mailing address of the legislative campaign committee.

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

6 (c) The name and address of the depository account of the legislative campaign  
7 committee and of any other institution where funds of the legislative campaign  
8 committee are kept.

9 (d) A statement signed by the leader of the party in the house for which the  
10 legislative campaign committee is established attesting to the fact that the  
11 legislative campaign committee is the only authorized legislative campaign  
12 committee for that party in that house.

\*\*\*NOTE: I kept this note here because I believe this is still an open question. Do  
you intend that there will be only one legislative campaign committee?

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

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

1 (b) The chief executive officer or treasurer indicated on the registration  
2 statement of a legislative campaign committee may report a change in the  
3 committee's registration statement.

4 **11.0404 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each  
5 legislative campaign committee shall make full reports, upon a form prescribed by  
6 the board and signed by the treasurer under s. 11.0103 (3) (c), of all contributions  
7 made and received by the committee. The legislative campaign committee shall  
8 include in each report the following information, covering the period since the last  
9 date covered on the previous report:

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

13 2. An itemized statement giving the date, full name, and street address of each  
14 committee to which the legislative campaign committee has made a contribution,  
15 together with the amount of the contribution.

16 3. The name of the principal place of employment, if any, of each individual  
17 contributor whose cumulative contributions to the legislative campaign committee  
18 for the calendar year are in excess of \$300.

19 4. An itemized statement of each contribution made anonymously to the  
20 legislative campaign committee. If the contribution exceeds \$10, the legislative  
21 campaign committee shall specify whether the committee donated the contribution  
22 to the common school fund or to a charitable organization, and shall include the full  
23 name and mailing address of the donee.

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

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

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

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

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

8           c. The date and amount of the loan.

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

10          e. The original amount guaranteed by each guarantor.

11          f. The balance of the amount guaranteed by each guarantor at the end of the  
12 reporting period.

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

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

20          10. A statement of totals during the reporting period of disbursements made,  
21 including transfers made to and received from other committees, other income, and  
22 loans.

23          11. A statement of the balance of obligations incurred as of the end of the  
24 reporting period.

1           12. A statement of cumulative totals for the calendar year of contributions  
2 made, contributions received, and disbursements made, including transfers of funds  
3 made to or received from other committees.

4           (b) The first report shall commence no later than the date that the first  
5 contribution is received and accepted.

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

12           **(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY.** A legislative  
13 campaign committee that makes or accepts contributions to support or oppose one  
14 or more candidates for office at a spring primary or a candidate at a special primary  
15 held to nominate nonpartisan candidates to be voted for at a special election held to  
16 fill a vacancy in one or more of the nonpartisan state or local offices voted for at the  
17 spring election, or that supports or opposes other committees engaging in such  
18 activities, shall do all the following:

19           (a) File a preprimary report. If a candidate for a nonpartisan state office at an  
20 election is not required to participate in a spring primary, the legislative campaign  
21 committee shall file a preprimary report at the time prescribed in s. 11.1002 (4)  
22 preceding the date specified for the holding of the primary, were it to be required.

23           (b) File a preelection report.

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

1           **(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION.** A legislative  
2 campaign committee that makes or accepts contributions to support or oppose one  
3 or more candidates for office at a spring election or a candidate at a special election  
4 held to fill a vacancy in one or more of the nonpartisan state or local offices voted for  
5 at the spring election, or that supports or opposes other committees engaging in such  
6 activities, shall do all the following:

7           (a) File a preelection report.

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

10           **(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY.** A legislative  
11 campaign committee that makes or accepts contributions to support or oppose one  
12 or more candidates for office at a partisan primary or a candidate at a special primary  
13 held to nominate candidates to be voted for at a special election held to fill a vacancy  
14 in one or more of the state or local offices voted for at the general election, or that  
15 supports or opposes other committees engaging in such activities, shall do all the  
16 following:

17           (a) File a preprimary report.

18           (b) File a preelection report.

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

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

23           **(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION.** A  
24 legislative campaign committee that makes or accepts contributions to support or  
25 oppose one or more candidates for office at a general election or a candidate at a



1 special election held to fill a vacancy in one or more of the state or local offices voted  
2 for at the general election, or that supports or opposes other committees engaging in  
3 such activities shall do all of the following:

4 (a) File a preelection report.

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

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

#### 9 SUBCHAPTER V

#### 10 POLITICAL ACTION COMMITTEES

11 **11.0501 Registration; treasurer and depositories.** (1) Each political  
12 action committee required to register under this chapter shall designate a treasurer  
13 to comply with the registration and reporting requirements under this subchapter.

14 (2) The treasurer shall ensure that all funds received are deposited in the  
15 political action committee depository account.

16 (3) No disbursement may be made or obligation incurred by or on behalf of a  
17 political action committee without the authorization of the treasurer or a designated  
18 agent.

19 (4) The treasurer shall maintain the records of the political action committee  
20 in an organized and legible manner for not less than 3 years after the date of the  
21 election in which the political action committee participates.

22 (5) No person may register more than one political action committee under this  
23 subchapter.

24 **11.0502 Registration; timing.** (1) Every political action committee that  
25 makes or accepts contributions, incurs obligations, or makes disbursements to

1 support or oppose a candidate in a calendar year in an aggregate amount in excess  
2 of \$2,500 shall file a registration statement giving the information required by s.  
3 11.5002.

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

9 **11.0503 Registration; required information. (1) REQUIRED INFORMATION.**

10 The statement of registration shall include all of the following:

11 (a) The name and mailing address of the political action committee.

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

17 (c) The name and address of the depository account of the political action  
18 committee and of any other institution where funds of the committee are kept.

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

23 (3) CHANGE OF INFORMATION. (a) Any change in information previously  
24 submitted in a registration statement shall be reported by the political action  
25 committee within 10 days following the change. Except as provided in par. (b), any

1 such change may be reported only by the individual or by the officer who has  
2 succeeded to the position of an individual who signed the original statement.

3 (b) The chief executive officer or treasurer indicated on the registration  
4 statement of a political action committee may report a change in the committee's  
5 registration statement.

6 **11.0504 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each political  
7 action committee shall make full reports, upon a form prescribed by the board and  
8 signed by the registrant under s. 11.0103 (3) (c), of all contributions made and  
9 received by the committee. The political action committee shall include in each  
10 report the following information, covering the period since the last date covered on  
11 the previous report:

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

15 2. An itemized statement giving the date, full name, and street address of each  
16 committee to which the political action committee has made a contribution, together  
17 with the amount of the contribution.

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

21 4. An itemized statement of each contribution made anonymously to the  
22 political action committee. If the contribution exceeds \$10, the political action  
23 committee shall specify whether the committee donated the contribution to the  
24 common school fund or to a charitable organization, and shall include the full name  
25 and mailing address of the donee.

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

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

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

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

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

10          c. The date and amount of the loan.

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

12          e. The original amount guaranteed by each guarantor.

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

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

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

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

1           11. A statement of the balance of obligations incurred as of the end of the  
2 reporting period.

3           12. A statement of cumulative totals for the calendar year of contributions  
4 made, contributions received, and disbursements made, including transfers of funds  
5 made to or received from other committees.

6           (b) The first report shall commence no later than the date that the first  
7 contribution is received and accepted.

8           (c) All contributions received by any person acting as an agent of a political  
9 action committee required to report under this subchapter shall be reported by such  
10 person to the treasurer of the political action committee within 30 days of receipt by  
11 the agent. In the case of a contribution of money, the agent shall transmit the  
12 contribution to the treasurer within 30 days of receipt by the agent. The treasurer  
13 shall report the contribution within 30 days of initial receipt by the agent.

14           **(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY.** A political  
15 action committee that makes or accepts contributions to support or oppose one or  
16 more candidates for office at a spring primary or a candidate at a special primary held  
17 to nominate nonpartisan candidates to be voted for at a special election held to fill  
18 a vacancy in one or more of the nonpartisan state or local offices voted for at the  
19 spring election, or that supports or opposes other committees engaging in such  
20 activities, shall do all the following:

21           (a) File a preprimary report. If a candidate for a nonpartisan state office at an  
22 election is not required to participate in a spring primary, the political action  
23 committee shall file a preprimary report at the time prescribed in s. 11.0103 (4)  
24 preceding the date specified for the holding of the primary, were it to be required.

25           (b) File a preelection report.

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

3 (3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. A political  
4 action committee that makes or accepts contributions to support or oppose one or  
5 more candidates for office at a spring election or a candidate at a special election held  
6 to fill a vacancy in one or more of the nonpartisan state or local offices voted for at  
7 the spring election, or that supports or opposes other committees engaging in such  
8 activities, shall do all the following:

9 (a) File a preelection report.

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

12 (4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A political  
13 action committee that makes or accepts contributions to support or oppose one or  
14 more candidates for office at a partisan primary or a candidate at a special primary  
15 held to nominate candidates to be voted for at a special election held to fill a vacancy  
16 in one or more of the state or local offices voted for at the general election, or that  
17 supports or opposes other committees engaging in such activities, shall do all the  
18 following:

19 (a) File a preprimary report.

20 (b) File a preelection report.

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

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

1           (5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A political  
2           action committee that makes or accepts contributions to support or oppose one or  
3           more candidates for office at a general election or a candidate at a special election  
4           held to fill a vacancy in one or more of the state or local offices voted for at the general  
5           election, or that supports or opposes other committees engaging in such activities  
6           shall do all of the following:

7           (a) File a preelection report.

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

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

12          **11.0505 Reporting; specific express advocacy. (1) EXPENDITURES.** (a) A  
13          political action committee spending \$5,000 or more in the aggregate on express  
14          advocacy shall submit statements to the board under par. (b) if all of the following  
15          apply to the express advocacy:

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

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

21               3. It is targeted to the relevant electorate.

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

24               1. The dates on which the committee made the expenditures.

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

1           3. The purpose for making the expenditures.

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

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

6           6. An affirmation, made under oath, that the political action committee will  
7 comply with the prohibition on coordination under s. 11.1003 with respect to any  
8 candidate or agent or candidate committee who is supported or opposed by the  
9 express advocacy.

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

12           **(2) EXCEPTION.** (a) A political action committee that is required to report under  
13 this section is not required to submit the information described under sub. (1) (b)  
14 regarding expenditures made before reaching the \$5,000 threshold under sub. (1) (a).  
15 For purposes of this section, an expenditure for express advocacy is the amount spent  
16 directly on developing, producing, and disseminating the express advocacy.

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

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

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

23           **(3) TIMING.** A political action committee that is required to report under this  
24 section shall submit the report to the board no later than 48 hours after making the  
25 expenditures.



## 1 SUBCHAPTER VI

## 2 CONDUITS

3 **11.0601 Registration; treasurer and depositories.** (1) Each conduit  
4 required to register under this chapter shall designate a treasurer to comply with the  
5 registration and reporting requirements under this subchapter.

6 (2) The treasurer shall ensure that all funds received are deposited in the  
7 conduit depository account.

8 (3) No contribution received by a conduit may be released by a conduit without  
9 the authorization of the treasurer or a designated agent.

10 (4) The treasurer shall maintain the records of the conduit in an organized and  
11 legible manner for not less than 3 years after the date of the election in which the  
12 conduit participates.

13 **11.0602 Registration; timing.** Every conduit that accepts and releases  
14 contributions to support or oppose a candidate in a calendar year shall, upon its  
15 inception and prior to accepting or releasing any such contribution, file a registration  
16 statement giving the information required by s. 11.0603.

17 **11.0603 Registration; required information.** (1) REQUIRED INFORMATION.  
18 The statement of registration shall include all of the following, where applicable:

19 (a) The name and mailing address of the conduit.

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

1 (c) The name and address of the depository account of the conduit and of any  
2 other institution where funds of the conduit are kept.

3 (d) The name and mailing address of a sponsor, as defined in s. 11.0605 (1), to  
4 which contributions may be redirected as provided under s. 11.0605 (2).

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

9 (3) CHANGE OF INFORMATION. (a) Any change in information previously  
10 submitted in a registration statement shall be reported by the conduit within 10 days  
11 following the change. Except as provided in par. (b), any such change may be  
12 reported only by the individual or by the officer who has succeeded to the position of  
13 an individual who signed the original statement.

14 (b) The chief executive officer or treasurer indicated on the registration  
15 statement of a conduit may report a change in the conduit's registration statement.

16 **11.0604 Reporting.** (1) A conduit transferring a contribution of money shall,  
17 in writing at the time the contribution is transferred, identify itself to the transferee  
18 as a conduit and report to the transferee of each contribution transferred by it the  
19 following information:

20 (a) An itemized statement giving the date, full name, and street address of each  
21 person who has made a contribution to the conduit which contribution is being  
22 transferred to the transferee.

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

\*\*\*\*NOTE: At your request, in the /P7 version of the bill we eliminated reporting requirements for conduits (these had been at 11.6004). However, the requirements under s. 11.6004 (2) related to internal reports submitted by a conduit to the recipient of a contribution released by the conduit. These reports, in turn, are required in s. 11.9004 (2) and (3). For purposes of discussion in this draft, we have re-inserted these “internal” reporting requirements for conduits. Please advise.

1           (2) A conduit shall include in each report filed with the board whether, during  
2 the reporting period, any contribution was redirected to a sponsor as permitted  
3 under s. 11.0605.

\*\*\*\*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.

4           **11.0605 Redirected contributions.** (1) DEFINITIONS. In this section,  
5 “sponsor” means a committee, including a legislative campaign committee, political  
6 party, recall committee, and referendum committee, but excluding a candidate  
7 committee and political action committee, that is associated with a conduit.

8           (2) REDIRECTION. If all of the following apply, a conduit may redirect any  
9 contribution received from a person or committee to a sponsor or, if there is no  
10 sponsor, to a political action committee affiliated with the sponsor or to an  
11 administrative fund of the conduit:

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

16           (b) Either of the following apply:

17           1. The conduit has, over the 24-month period described in par. (a), attempted  
18 in good faith to contact the individual or organization that made the contribution at  
19 least 10 times, and has documented each such attempt, but has been unable to make  
20 contact with the individual or organization. A conduit may satisfy the requirement

1 to contact the individual or organization by telephoning the individual or  
2 organization at the last-known telephone number; by sending a text message to the  
3 individual or organization at the last-known cellular telephone number or pager  
4 number capable of receiving text messages; by sending a facsimile transmission to  
5 the individual or organization at the last-known facsimile transmission number; by  
6 sending a letter or postcard to the individual or organization by U.S. mail; by sending  
7 a message by electronic mail; or by any combination of the foregoing. A conduit may  
8 not satisfy the requirement to attempt in good faith to contact the individual or  
9 organization at least 10 times if all 10 attempted contacts occur within a period of  
10 30 consecutive days.

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

13 (3) REPORTS. If a conduit redirects a contribution under this section, the conduit  
14 shall include in its report for the reporting period during which the contribution is  
15 redirected the information about the original contributor required for reporting  
16 purposes for the dates on which the contribution is received and redirected and  
17 whether the contribution is redirected to a sponsor or to an administrative fund of  
18 the conduit.

\*\*\*NOTE: This is [modified] current law s. 11.185 (3); it somewhat duplicates s.  
11.0604 (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?

## 19 SUBCHAPTER VII

## 20 REFERENDUM COMMITTEES