

1 **11.0701 Registration; treasurer and depositories.** (1) Each referendum
2 committee required to register under this chapter shall designate a treasurer to
3 comply with the registration and reporting requirements under this subchapter.

4 (2) The treasurer shall ensure that all funds received are deposited in the
5 referendum committee depository account.

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

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

12 **11.0702 Registration; timing.** (1) Every referendum committee that makes
13 or accepts contributions, incurs obligations, or makes disbursements for the purpose
14 of influencing a particular vote at a referendum in a calendar year in an aggregate
15 amount in excess of \$10,000 shall file a registration statement giving the information
16 required by s. 11.0703.

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

22 **11.0703 Registration; required information.** (1) REQUIRED INFORMATION.
23 The statement of registration shall include all of the following, where applicable:

24 (a) The name and mailing address of the referendum 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 referendum
7 committee and of any other institution where funds of the committee are kept.

8 (d) The nature of any referendum that is supported or opposed.

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

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

18 (b) The chief executive officer or treasurer indicated on the registration
19 statement of a referendum committee may report a change in the committee's
20 registration statement.

21 **11.0704 Reporting.** (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each
22 referendum committee shall make full reports, upon a form prescribed by the board
23 and signed by the treasurer under s. 11.0103 (3) (c), of all contributions received by
24 the committee. The referendum committee shall include in each report the following
25 information, covering the period since the last date covered on the previous report:

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

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

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

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

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

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

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

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

21 c. The date and amount of the loan.

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

23 e. The original amount guaranteed by each guarantor.

24 f. The balance of the amount guaranteed by each guarantor at the end of the
25 reporting period.

1 7. 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 8. 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 9. 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 10. A statement of the balance of obligations incurred as of the end of the
12 reporting period.

13 11. 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 referendum
19 committee required to report under this subchapter shall be reported by such person
20 to the treasurer of the referendum committee within 30 days of receipt by the agent.
21 In the case of a contribution of money, the agent shall transmit the contribution to
22 the treasurer within 30 days of receipt by the agent. The treasurer shall report the
23 contribution within 30 days of initial receipt by the agent.

1 **(2) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT SPRING PRIMARY.** A
2 referendum committee making or accepting contributions to support or oppose a
3 referendum appearing on a spring primary ballot shall do all the following:

4 (a) File a preprimary report.

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.

 ****NOTE: In the /P7 draft, referendum committees must file the same reports
required of committees supporting or opposing a candidate (the requirements under the
/P6 were not accurate). Is that consistent with your intent?

8 **(3) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT SPRING ELECTION.** A
9 referendum committee making or accepting contributions to support or oppose a
10 referendum appearing on a spring election ballot shall do all the following:

11 (a) File a preelection report.

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

14 **(4) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT PARTISAN PRIMARY.** A
15 referendum committee making or accepting contributions in support of or in
16 opposition to a referendum appearing on a partisan primary ballot shall do all the
17 following:

18 (a) File a preprimary report.

19 (b) File a preelection report.

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

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

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

6 **11.0803 Registration; required information.** (1) REQUIRED INFORMATION.

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

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

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

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

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

20 (3) CHANGE OF INFORMATION. (a) Any change in information previously
21 submitted in a registration statement shall be reported by the recall committee
22 within 10 days following the change. Except as provided in par. (b), any such change
23 may be reported only by the individual or by the officer who has succeeded to the
24 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 recall committee may report a change in the committee's registration
3 statement.

4 **11.0804 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each recall
5 committee shall make full reports, upon a form prescribed by the board and signed
6 by the registrant under s. 11.0103 (3) (c), of all contributions made and received by
7 the committee. The recall committee shall include in each report the following
8 information, covering the period since the last date covered on the previous report:

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

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

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

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

23 5. A statement of totals during the reporting period of contributions received
24 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 recall committee
4 in an aggregate amount or value in excess of \$20, together with all of the following:

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

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

7 c. The date and amount of the loan.

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

9 e. The original amount guaranteed by each guarantor.

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

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

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

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

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

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

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

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

7 1. Seven hundred and fifty dollars.

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

11 (2) CANDIDATE COMMITTEES. A candidate committee may contribute to another
12 candidate committee no more than the following amounts specified for the candidate
13 whose nomination or election the committee supports [See Figure 11.0901 following]:

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

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

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

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

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

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

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

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

2 1. Seven hundred fifty dollars.

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

6 (3) POLITICAL ACTION COMMITTEES. A political action committee may contribute
7 to a candidate committee no more than the following amounts specified for the
8 candidate whose nomination or election the committee supports [See Figure 11.0901
9 following]:

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

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

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

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

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

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

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

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

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

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

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

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

5 **Figure 11.0901:**

	INDIVIDUALS	CANDIDATE COMMITTEES	POLITICAL ACTION COMMITTEES
GOVERNOR	\$30,000	\$30,000	\$129,000
LT. GOVERNOR	\$30,000	\$30,000	\$39,000
SECRETARY OF STATE	\$30,000	\$30,000	\$27,000
STATE TREASURER	\$30,000	\$30,000	\$27,000
ATTORNEY GENERAL	\$30,000	\$30,000	\$66,000
STATE SUPERINTENDENT	\$30,000	\$30,000	\$27,000
JUSTICE	\$30,000	\$30,000	\$27,000
STATE SENATOR	\$3,000	\$3,000	\$3,000
ASSEMBLY REPRESENTATIVE	\$1,500	\$1,500	\$1,500
APPEALS JUDGE – POPULOUS DISTRICTS	\$9,000	\$9,000	\$9,000
APPEALS JUDGE – OTHER DISTRICTS	\$7,500	\$7,500	\$7,500
CIRCUIT JUDGE – POPULOUS AREA	\$9,000	\$9,000	\$9,000
DISTRICT ATTORNEY – POPULOUS AREA	\$9,000	\$9,000	\$9,000
CIRCUIT JUDGE – OTHER AREA	\$3,000	\$3,000	\$3,000
DISTRICT ATTORNEY – OTHER AREA	\$3,000	\$3,000	\$3,000
LOCAL OFFICES	GREATER OF \$750 OR 3 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$9,000	GREATER OF \$750 OR 3 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$9,000	GREATER OF \$600 OR 3 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$7,500

1 **11.0902 Applicable periods.** (1) For an individual who is a candidate for an
2 office that the individual holds, the limits under s. 11.0901 (1) to (3) apply during the
3 term of that office.

4 (2) For an individual who is a candidate for an office that the individual does
5 not hold, the limits under s. 11.0901 (1) to (3) apply during the period beginning on
6 the date on which the individual becomes a candidate under s. 11.0101 (1) (a) and
7 ending on July 1 for a candidate at a spring primary or spring election, January 1
8 for a candidate at a partisan primary or general election, and 60 days after a special
9 election for a candidate at a special election.

10 **11.0903 Exceptions.** ^(B) Except as provided in subs. (3) (b) and (4) (b), the
11 following contributions may be made in unlimited amounts:

12 (1) Contributions to a political action committee.

13 (2) Contributions transferred between political action committees.

14 (3) (a) Except as provided in par. (b), contributions to a legislative campaign
15 committee.

16 (b) A political action committee may contribute no more than \$18,000 in any
17 calendar year to a legislative campaign committee.

18 (4) (a) Except as provided in par. (b), contributions to a political party.

19 (b) A political action committee may contribute no more than \$18,000 in any
20 calendar year to a political party.

21 (5) Contributions made by a political party or legislative campaign committee
22 to a candidate committee.

23 (6) Contributions paid to a segregated fund established and administered by
24 a political party or legislative campaign committee to finance the purchase, lease,

1 maintenance, improvement of space, or the purchase or improvement of equipment
2 for use by the political party or legislative campaign committee.

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

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

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

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

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

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

● (B)

✓

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15

11.0904 Valuation (1) Except as provided in s. 11.0908, for purposes of
complying with a contribution limit under this section, the value of a contribution of
any tangible or intangible item, other than money, is the item’s replacement cost at
the time that the individual or committee made the contribution.

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(2) Except as provided in s. 11.0908, for purposes of complying with a
contribution limit under this section, the value of a contribution of a service is the
replacement cost of the service at the time that the individual or committee made the
contribution.

subchapter

1 **11.0905 Conduit contributions.** (1) For purposes of this chapter, a
2 contribution released by a conduit to a committee is to be reported by the committee
3 as a contribution from the person or committee who made the contribution and not
4 as a contribution from the conduit.

5 (2) A contribution of money received from a conduit, accompanied by the
6 information required under s. 11.0605 (3), is considered to be a contribution from the
7 original contributor.

8 (3) Each filing officer shall place a copy of any report received under s. 11.0605
9 (3) in the file of the conduit and the file of the transferee.

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

10 **11.0906 Limitation on cash contributions.** Every contribution of money
11 exceeding \$100 shall be made by negotiable instrument or evidenced by an itemized
12 credit card receipt bearing on the face the name of the remitter. No committee
13 required to report under this chapter may accept a contribution made in violation of
14 this section. The committee shall promptly return the contribution, or donate it to
15 the common school fund or to a charitable organization in the event that the donor
16 cannot be identified.

17 **11.0907 Return of contributions.** (1) A committee required to report under
18 this chapter may return a contribution at any time before or after it has been
19 deposited.

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

22 (b) A committee that accepts a contribution contrary to law and that returns
23 the contribution deposited contrary to law within 15 days after the filing date for the

1 reporting period in which the contribution is received does not violate the
2 contribution limits under s. 11.0901.

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

3

11.0908 Valuation of opinion poll results (1) In this section:

4 (a) "Election period" means any of the following:

- 5 1. The period beginning on December 1 and ending on the date of the spring
- 6 election.
- 7 2. The period beginning on May 1 and ending on the date of the general election.
- 8 3. The period beginning on the first day for circulating nomination papers and
- 9 ending on the date of a special election.

10 (b) "Initial recipient" means the individual who or committee which
11 commissions a public opinion poll or voter survey.

12 (c) "Results" means computer output or a written or verbal analysis.

13 (d) "Voter survey" includes acquiring information that identifies voter
14 attitudes concerning candidates or issues.

15

(2) If a candidate or committee receives opinion poll or a voter survey results during the first 15 days after the initial recipient receives the results, and the candidate or committee received the results during an election period, the candidate or committee shall report the results as a contribution. The candidate or committee shall report the contribution's value as 100 percent of the cost incurred by the initial recipient to commission the poll or survey, except that if more than one candidate or committee receives the results, the candidates or committees shall report the contribution's value as 100 percent of the amount allocated to the candidate or committee under sub. (5).

*Committee
or other*

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

9 (4) If the candidate or committee receives the opinion poll or voter survey
10 results more than 60 days after the initial recipient received the results the
11 candidate committee or other committee is not required to report the results as a
12 contribution.

13 (5) If a person contributes opinion poll or voter survey results to more than one
14 candidate or committee, the person shall apportion the value of the poll or survey to
15 each candidate or committee receiving the results by one of the following methods
16 and shall provide the apportioned values to the candidate committees or other
17 committees:

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

21 (b) Determine the share of the cost of the opinion poll or voter survey that is
22 allocable to each recipient by dividing the cost of the poll or survey equally among
23 all the candidate committees and other committees receiving the results.

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

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

3 2. ~~Multiple~~ the total cost of the poll or survey by the number determined under
4 subd. 1. ↑

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

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

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

15 **11.0909 Corporations, cooperatives, partnerships, and limited**
16 **liability companies. (1) CORPORATIONS AND COOPERATIVES.** No foreign or domestic
17 corporation, or association organized under ch. 185 or 193, may make a contribution,
18 directly or indirectly, to a committee.

19 (2) PARTNERSHIPS. A contribution made to a candidate committee by a
20 partnership is considered a contribution made by each of the contributing partners
21 and subject to the individual limits under s. 11.0901 (1). A partnership that makes
22 a contribution to a candidate committee shall provide to the committee the names
23 of the contributing partners and the amount of the individual contribution made by

1 each partner. For purposes of determining the individual contribution amounts
2 made by each partner, the partnership shall attribute the individual contributions
3 according to each partner's share of the partnership's profits, unless the partners
4 agree to apportion the contribution in a different manner.

5 (B) (2) LIMITED LIABILITY COMPANIES. (a) A contribution made to a candidate
6 (3) committee by a limited liability company treated as a partnership by the federal
7 internal revenue service pursuant to 26 CFR 301.7701-3 is considered a contribution
8 made by each of the contributing members and subject to the individual limits under
9 s. 11.0901 (1). A limited liability company that makes a contribution under this
10 paragraph shall affirm to the candidate committee that it is treated as a partnership
11 for federal tax purposes and eligible to make the contribution. The company shall
12 provide to the committee the names of the contributing members and the amount of
13 the individual contribution made by each member. For purposes of determining the
14 individual contribution amounts made by each member, the company shall attribute
15 the individual contributions according to each member's share of the company's
16 profits, unless the members agree to apportion the contribution in a different
17 manner.

18 (b) A contribution made to a candidate committee by a single-member limited
19 liability company in which the sole member is an individual is considered a
20 contribution made by that individual and subject to the individual limits under s.
21 11.0901 (1). A limited liability company that makes a contribution under this
22 paragraph shall affirm to the candidate committee that it is a single-member limited
23 liability company in which the sole member is an individual and eligible to make the
24 contribution.

25

1 PROHIBITED PRACTICES

2 **11.1001 False reports and statements.** No person may prepare or submit
3 a false report or statement to a filing officer under this chapter.

4 **11.1002 Earmarking. (1)** The treasurer of a personal campaign committee
5 may agree with a prospective contributor that a contribution is received to be used
6 for a specific purpose not prohibited by law. That purpose may not include a
7 disbursement to support or oppose another candidate or the transfer to an individual
8 or committee acting to support or oppose another candidate.

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

11 **(3)** Except for transfers of membership-related moneys between committees
12 of the same political party, no committee may transfer to another committee the
13 earmarked contributions of others. Transfers of membership-related moneys
14 between political parties shall be treated in the same manner as other transfers.

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

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

15 **11.1003 Coordination.** No person may make an expenditure for express
16 advocacy that is coordinated with a candidate, candidate committee, candidate’s
17 agent, legislative campaign committee, or political party. For purposes of this
18 section, an expenditure for express advocacy is coordinated with a candidate,
19 candidate committee, candidate’s agent, legislative campaign committee, or political
20 party if the candidate, candidate committee, candidate’s agent, legislative campaign
21 committee, or political party exercises control over; or engages in substantial

1 discussions or negotiations with the person making the expenditure regarding; any
2 of the following:

- 3 (1) The communication's content.
4 (2) The communication's timing.
5 (3) The location, form, or intended audience of the communication.
6 (4) The number or frequency of communications.

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

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

7 **11.1004 Unlawful political contributions.** (1) Subject to sub. (2), no person
8 may, directly or indirectly, make any contribution other than from funds or property
9 belonging to the person. No person may, directly or indirectly, give funds or property
10 to another person for the purpose of making a contribution in other than the person's
11 own name. No person may intentionally accept or receive any contribution made in
12 violation of this subsection.

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

13 (2) A conduit releasing a contribution of money in the manner prescribed in s.
14 11.9004 (2) does not violate sub. (1).

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

17 **11.1005 Use of government materials by candidates.** (1) (a) Except as
18 provided in sub. (2), no person elected to state or local office who becomes a candidate
19 for national, state, or local office may use public funds for the cost of materials or
20 distribution for 50 or more pieces of substantially identical material distributed
21 after:

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

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

6 3. In the case of a candidate who is nominated at a caucus, the date of the
7 caucus.

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

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

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

16 (a) Answers to communications of constituents.

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

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

22 (d) Communications not exceeding 500 pieces by members of the legislature
23 relating solely to the subject matter of a special session or extraordinary session,
24 made during the period between the date that the session is called or scheduled and
25 14 days after adjournment of the session.

1 **11.1006 Travel by public officers.** (1) No person may use any vehicle or
2 aircraft owned by the state or by any local governmental unit for any trip which is
3 exclusively for the purposes of campaigning to support or oppose any candidate for
4 national, state, or local office, unless use of the vehicle or aircraft is required for
5 purposes of security protection provided by the state or local governmental unit.

6 (2) No person may use any vehicle or aircraft owned by the state or by any local
7 governmental unit for purposes that include campaigning to support or oppose any
8 candidate for national, state, or local office, unless the person pays to the state or
9 local governmental unit a fee which is comparable to the commercial market rate for
10 the use of a similar vehicle or aircraft and for any services provided by the state or
11 local governmental unit to operate the vehicle or aircraft. If a trip is made in part
12 for a public purpose and in part for the purpose of campaigning, the person shall pay
13 for the portion of the trip attributable to campaigning, but in no case less than 50
14 percent of the cost of the trip. The portion of the trip attributable to campaigning
15 shall be determined by dividing the number of appearances made for campaign
16 purposes by the total number of appearances. Fees payable to the state shall be
17 prescribed by the secretary of administration and shall be deposited in the account
18 under s. 20.855 (6) (h). Fees payable to a local governmental unit shall be prescribed
19 by the governing body of the governmental unit.

20 **11.1007 Political solicitation involving public officials and employees**
21 **restricted.** (1) In this section:

22 (a) “Contribution” includes a contribution made for a political purpose.

23 (b) “Political purpose” means for the purpose of influencing the election or
24 nomination for election of an individual to state, local, or national office; for the
25 purpose of influencing the recall from or retention in office of an individual holding

1 a state, local, or national office; for the purpose of payment of a recount at an election,
2 or for the purpose of influencing a particular vote at a referendum.

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

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

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

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

***NOTE: Does this accomplish your intent?

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

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

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

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

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

14 **11.1008 Unlawful political disbursements and obligations.** (1) In this
15 section, political purpose has the meaning given in s. 11.1007 (1) (b).

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

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

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

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

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

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

5 4. For payment of the expenses of nonpartisan campaigns to increase voter
6 registration or participation.

7 (c) A candidate committee may accept contributions and make disbursements
8 from a campaign depository account for payment of inaugural expenses of an
9 individual who is elected to state or local office. Inaugural expenses paid from
10 contributions made to the campaign depository account are reportable under s.
11 11.2003 (1) as disbursements and are subject to the limits under s. 11.9000.

12 (4) No moneys solicited for political purposes and reported under this chapter
13 may be invested for the purpose of producing income unless the investment is in
14 direct obligations of the United States and of agencies and corporations wholly
15 owned by the United States, commercial paper maturing within one year from the
16 date of investment, preferred shares of a corporation, or securities of an investment
17 company registered under the federal investment company act of 1940 (15 USC 80a)
18 and registered for public offer and sale in this state of the type commonly referred
19 to as a “money market fund”.

20 **11.1009 Solicitation of contributions from candidates restricted. (1)**
21 Subject to sub. (2), no person may demand, solicit, take, invite, or receive from a
22 candidate any gift of anything of value for a religious, charitable, or fraternal cause
23 or for any organization other than a committee. No candidate may make, intimate,
24 or promise such a gift.

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

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

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

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

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

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

(a)

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

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

23 **11.1102 Defense fund authorized.** (1) Any candidate or public official who
24 is being investigated for, charged with, or convicted of a criminal violation of this
25 chapter or ch. 12, or whose agent is so investigated, charged, or convicted, may

1 establish a defense fund for expenditures supporting or defending the candidate,
2 official, or agent, or any dependent of the candidate, official, or agent, while that
3 person is being investigated for, or while the person is charged with or convicted of
4 a criminal violation of this chapter or ch. 12.

5 (2) No person may use a contribution received from a contributor to a candidate
6 committee fund for a purpose for which a defense fund is authorized under sub. (1)
7 unless the person obtains the contributor's authorization. Notwithstanding s.
8 11.1008 (3) (a), any contributor may authorize the transfer of all or part of a
9 contribution from a campaign fund to a defense fund.

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

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

10 **11.1103 Donations to charitable organizations or school fund.** Any
11 committee may make a donation to a charitable organization or the common school
12 fund from the committee's treasury. No later than 5 days after a committee makes
13 a donation to a charitable organization or the common school fund from the
14 committee's treasury, the committee shall notify the committee's filing officer in
15 writing of the name of the donee and the date of the donation, and shall provide an
16 explanation for not retaining the amount donated in the committee's treasury.

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

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

17 **11.1104 Attribution of political contributions, disbursements and**
18 **communications.** (1) No disbursement may be made anonymously and no
19 contribution or disbursement may be made in a fictitious name or by one person or
20 organization in the name of another.

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

4 (b) 1. Except as provided in subd. 2., every communication described under par.
5 (a) the cost of which is paid for or reimbursed by a committee, or for which a
6 committee assumes responsibility, whether by accepting a contribution or making a
7 disbursement, shall identify its source by the words “Paid for by” followed by the
8 name of the committee making the payment or reimbursement or assuming
9 responsibility for the communication and the name of the treasurer or other
10 authorized agent of the committee.

11 2. Every communication described under par. (a) the cost of which is paid for
12 or reimbursed by a candidate committee, or for which a candidate committee
13 assumes responsibility, whether by accepting a contribution or making a
14 disbursement, shall identify its source by the words “Paid for by” followed by the
15 name of the candidate committee

16 (c) Every communication described under par. (a) that is directly paid for or
17 reimbursed by an individual, including a candidate who is serving as his or her own
18 candidate committee treasurer, or for which an individual assumes responsibility,
19 whether by accepting a contribution or making a disbursement, shall identify its
20 source by the words “Paid for by” followed by the name of the candidate or other
21 individual making the payment or reimbursement or assuming responsibility for the
22 communication.

23 (d) In addition to the requirements of pars. (a) to (c), a person required to submit
24 an affirmation under oath, as provided under s. 11.5004 (1) (b) 6. or s. 11.11000 (1)
25 (b) 6. shall also include the words “Not authorized by any candidate or candidate’s

1 agent or committee” in every communication supporting or opposing any clearly
2 identified candidate.

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

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

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

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

16 3 ² Whenever any person receives payment from another person, in cash or
17 in-kind, for the direct or indirect cost of conducting a poll concerning support or
18 opposition to a candidate, political party, or referendum, the person conducting the
19 poll shall, upon request of any person who is polled, disclose the name and address
20 of the person making payment for the poll and, in the case of a committee, the name
21 of the treasurer of the committee making payment.

22 **11.1105 Continuing compliance.** An individual does not cease to be a
23 candidate for purposes of compliance with this chapter or ch. 12 after the date of an
24 election and no candidate or candidate committee is released from any requirement

1 or liability otherwise imposed under this chapter or ch. 12 simply because the
2 election date has passed.

****NOTE: This is the substantive provision taken from the definition of “candidate”
under current law.

3 **11.1106 Duties of the government accountability board.** The board shall:

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

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

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

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

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

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

20 (6) (a) Except as provided in par. (b), require each committee for whom the
21 board serves as filing officer under s. 11.1001 (1) and each conduit to file each
22 campaign finance report that is required to be filed under this chapter in an
23 electronic format. The board shall permit an authorized individual to provide at the

1 time of filing an electronic signature, as defined in s. 137.11 (8), that is subject to a
2 security procedure, as defined in s. 137.11 (13). A committee or conduit that files a
3 report under this subsection in an electronic format may file with the board that
4 portion of the report signed by an authorized individual rather than submit the
5 electronic signature of that individual. The board shall provide complete
6 instructions to any committee and conduit that files a report under this subsection.

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

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

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

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

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

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

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

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

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

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

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

18 (c) Promptly compile and release for public inspection a list of all reports
19 received from candidates for national office and from committees supporting or
20 opposing such candidates which are required to be filed with the state under the
21 federal election campaign act, as soon as possible after each deadline for receipt of
22 such reports as provided by federal law.

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

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

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

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

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

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

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

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

1 (4) Notwithstanding sub. (1), any person who violates s. 11.0102 (3) or 11.1008
2 shall forfeit \$10 for each person who is solicited, but not more than \$1,000 for each
3 report from which persons are solicited, in violation of s. 11.0102 (3) or 11.1008.

4 (5) Notwithstanding sub. (1), any person who is subject to a requirement to pay
5 a filing fee under s. 11.0102 and who fails to pay that fee within the time prescribed
6 in that section shall forfeit \$500 plus treble the amount of the fee payable by that
7 person.

8 (6) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h), 5.08,
9 and 5.081, actions under this section may be brought by the board or, upon the board's
10 determination of probable cause, by the district attorney for the county where the
11 defendant resides or, if the defendant is a nonresident, by the district attorney for the
12 county where the violation is alleged to have occurred. For purposes of this
13 subsection, a person other than an individual resides within a county if the person's
14 principal place of operation is located within that county.

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

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

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

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

1 **11.12001 Criminal penalties; prosecution.** (1) (a) Whoever intentionally
2 violates s. 11.1004 or any registration or reporting requirement under this chapter
3 is guilty of a Class I felony.

4 (b) Whoever intentionally violates subch. IX or s. 11.1001, 11.1008, or 11.1104
5 is guilty of a Class I felony if the intentional violation does not involve a specific figure
6 or if the intentional violation concerns a figure which exceeds \$100 in amount or
7 value.

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

- 10 1. Any provision of this chapter other than those provided in par. (a) ^{specified} and
11 2. Any provision under par. (b) if the violation concerns a specific amount or
12 value not exceeding \$100. of this chapter specified in (b)

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

20 (3) (a) If a successful candidate for public office, other than a candidate for the
21 legislature, is adjudged guilty in a criminal action of any violation of this chapter
22 under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed
23 during his or her candidacy, the court shall after entering judgment enter a
24 supplemental judgment declaring a forfeiture of the candidate's right to office. The
25 supplemental judgment shall be transmitted to the officer or agency authorized to

1 issue the certificate of nomination or election to the office for which the person
2 convicted is a candidate. If the candidate's term has not yet begun, the candidate
3 shall not take office. If the candidate's term has begun, the office shall become
4 vacant. The office shall then be filled in the manner provided by law.

5 (b) If a successful candidate for the legislature is adjudged guilty in a criminal
6 action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of
7 ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court shall
8 after entering judgment certify its findings to the presiding officer of the house of the
9 legislature to which the candidate was elected.

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

11 13.62 (5g) "Candidate" has the meaning given under s. ~~11.01 (1)~~ 11.1000 (1).

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

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

13 13.62 (5j) "Candidate committee" has the meaning given in s. 11.1000 (2).

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

15 13.62 (5u) "Contribution" has the meaning given in s. 11.1000 (6).

16 SECTION 5. 13.625 (1) (c) (intro.) of the statutes is renumbered 13.625 (1m) (a)
17 (intro.) and amended to read:

18 13.625 (1m) (a) (intro.) ~~Except as permitted provided in this subsection,~~
19 ~~personally par. (b), a lobbyist may not do any of the following:~~

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

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

1 3. Personally make a contribution to the official's or candidate's personal
2 campaign candidate committee of a partisan elective state official or candidate for
3 partisan state elective office.

4 (b) A lobbyist may personally make a ~~campaign~~ contribution to a partisan
5 elective state official or candidate for partisan elective state office or to the ~~personal~~
6 ~~campaign candidate~~ committee of the official or candidate in the year of a candidate's
7 election between the first day authorized by law for the circulation of nomination
8 papers as a candidate at a general election or special election and the day of the
9 general election or special election, except that:

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

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

12 13.625 (1m) (b) 1. A ~~campaign~~ contribution to a candidate for legislative office
13 may be made during that period only if the legislature has concluded its final
14 floorperiod, and is not in special or extraordinary session.

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

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

17 13.625 (1m) (b) 2. A ~~campaign~~ contribution by a lobbyist to the lobbyist's
18 ~~campaign candidate committee~~ for partisan elective state office may be made at any
19 time.

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

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

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

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(END)