

1 **11.0704 Reporting.** (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each
2 referendum committee shall make full reports, upon a form prescribed by the board
3 and certified as required under s. 11.0103 (3) (c), of all contributions and
4 disbursements made and received by the committee. The referendum committee
5 shall include in each report the following information, covering the period since the
6 last date covered on the previous report:

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

10 2. The name of the principal place of employment, if any, of each individual
11 contributor whose cumulative contributions to the referendum committee for the
12 calendar year are in excess of \$200.

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

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

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

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

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

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

2 c. The date and amount of the loan.

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

4 e. The original amount guaranteed by each guarantor.

5 f. The balance of the amount guaranteed by each guarantor at the end of the
6 reporting period.

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

10 8. An itemized statement of every obligation exceeding \$20 in amount or value,
11 together with the name of the person or business with whom the obligation was
12 incurred, and the date and the specific purpose for which each such obligation was
13 incurred.

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

17 10. A statement of the balance of obligations incurred as of the end of the
18 reporting period.

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

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

1 the treasurer within 30 days of receipt by the agent. The treasurer shall report the
2 contribution within 30 days of initial receipt by the agent.

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

6 (a) File a preprimary report.

7 (b) File a preelection report.

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

13 (a) File a preelection report.

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

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

20 (a) File a preprimary report.

21 (b) File a preelection report.

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

24 (d) In an even-numbered year, file a report on the 15th day of the month in the
25 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), before making any disbursement exceeding that
5 amount, and before incurring obligations exceeding 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 of a recall committee may report a
2 change in the committee's registration statement.

3 **11.0804 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each recall
4 committee shall make full reports, upon a form prescribed by the board and certified
5 as required under s. 11.0103 (3) (c), of all contributions and disbursements made and
6 received by the committee. The recall committee shall include in each report the
7 following information, covering the period since the last date covered on the previous
8 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 of the principal place of employment, if any, of each individual
16 contributor whose cumulative contributions to the recall committee for the calendar
17 year are in excess of \$200.

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.

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

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

7 SUBCHAPTER IX

8 CONTRIBUTIONS

9 **11.0901 Contribution limits.** (1) **INDIVIDUAL LIMITS.** An individual may
10 contribute to a candidate committee no more than the following amounts specified
11 for the candidate whose nomination or election the individual supports [See Figure
12 11.0901 following]:

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

15 (b) Candidates for state senator, \$2,000.

16 (c) Candidates for representative to the assembly, \$1,000.

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

19 (e) Candidates for court of appeals judge in other districts, \$5,000.

20 (f) 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, \$6,000.

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

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

1 1. Five hundred dollars.

2 2. Two 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 \$6,000.

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

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

10 (b) Candidates for state senator, \$2,000.

11 (c) Candidates for representative to the assembly, \$1,000.

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

14 (e) Candidates for court of appeals judge in other districts, \$5,000.

15 (f) Candidates for circuit judge in circuits having a population of more than
16 300,000, or candidates for district attorney in prosecutorial units having a
17 population of more than 300,000, \$6,000.

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

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

21 1. Five hundred dollars.

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

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

5 (a) Candidates for governor, \$86,000.

6 (b) Candidates for lieutenant governor, \$26,000.

7 (c) Candidates for attorney general, \$44,000.

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

10 (e) Candidates for state senator, \$2,000.

11 (f) Candidates for representative to the assembly, \$1,000.

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

14 (h) Candidates for court of appeals judge in other districts, \$5,000.

15 (i) Candidates for circuit judge in circuits having a population of more than
16 300,000, or candidates for district attorney in prosecutorial units having a
17 population of more than 300,000, \$6,000.

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

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

21 1. Four hundred dollars.

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

1 **(3) OTHER ENTITIES.** A corporation, an association organized under ch. 185 or
2 193, or a federally recognized American Indian tribe or band may contribute to a
3 political party or a legislative campaign committee no more than the following
4 amounts specified for the candidate whose nomination or election the committee
5 supports [See Figure 11.0901 following]:

6 (a) Candidates for governor, \$86,000.

7 (b) Candidates for lieutenant governor, \$26,000.

8 (c) Candidates for attorney general, \$44,000.

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

11 (e) Candidates for state senator, \$2,000.

12 (f) Candidates for representative to the assembly, \$1,000.

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

15 (h) Candidates for court of appeals judge in other districts, \$5,000.

16 (i) Candidates for circuit judge in circuits having a population of more than
17 300,000, or candidates for district attorney in prosecutorial units having a
18 population of more than 300,000, \$6,000.

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

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

22 1. Four hundred dollars.

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

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Figure 11.0901:

| | INDIVIDUAL CONTRIBUTORS | CANDIDATE COMMITTEE CONTRIBUTORS | POLITICAL ACTION COMMIT- TEE CONTRIBU- TORS | OTHER ENTITY CONTRIBUTORS |
|---|------------------------------------|---|--|--------------------------------------|
| GOVERNOR | \$20,000 | \$20,000 | \$86,000 | \$86,000 |
| LT. GOVERNOR | \$20,000 | \$20,000 | \$26,000 | \$26,000 |
| SECRETARY OF STATE | \$20,000 | \$20,000 | \$18,000 | \$18,000 |
| STATE TREA- SURER | \$20,000 | \$20,000 | \$18,000 | \$18,000 |
| ATTORNEY GEN- ERAL | \$20,000 | \$20,000 | \$44,000 | \$44,000 |
| STATE SUPERIN- TENDENT | \$20,000 | \$20,000 | \$18,000 | \$18,000 |
| JUSTICE | \$20,000 | \$20,000 | \$18,000 | \$18,000 |
| STATE SENATOR | \$2,000 | \$2,000 | \$2,000 | \$2,000 |
| ASSEMBLY REP- RESENTATIVE | \$1,000 | \$1,000 | \$1,000 | \$1,000 |
| APPEALS JUDGE - POPULOUS DIS- TRICTS | \$6,000 | \$6,000 | \$6,000 | \$6,000 |
| APPEALS JUDGE - OTHER DIS- TRICTS | \$5,000 | \$5,000 | \$5,000 | \$5,000 |
| CIRCUIT JUDGE - POPULOUS AREA | \$6,000 | \$6,000 | \$6,000 | \$6,000 |
| DISTRICT ATTORNEY - POPULOUS AREA | \$9,000 | \$9,000 | \$9,000 | \$9,000 |
| CIRCUIT JUDGE - OTHER AREA | \$2,000 | \$2,000 | \$2,000 | \$2,000 |

| | | | | |
|---|---|---|---|---|
| DISTRICT ATTORNEY – OTHER AREA | \$2,000 | \$2,000 | \$2,000 | \$2,000 |
| LOCAL OFFICES | GREATER OF \$500 OR 2 CENTS TIMES THE POPU- LATION, BUT NOT MORE THAN \$6,000 | GREATER OF \$500 OR 2 CENTS TIMES THE POPU- LATION, BUT NOT MORE THAN \$6,000 | GREATER OF \$400 OR 2 CENTS TIMES THE POPU- LATION, BUT NOT MORE THAN \$5,000 | GREATER OF \$400 OR 2 CENTS TIMES THE POPU- LATION, BUT NOT MORE THAN \$5,000 |

1 **11.09015 Contribution limit adjustment.** Beginning on July 1, 2021, and
2 on July 1 every 5 years thereafter, the board shall modify the dollar amounts under
3 s. 11.0901 (1) to (4), rounded to the nearest multiple of \$25, to adjust for the change
4 in the consumer price index, all items. U.S. city average, published by the federal
5 Department of Labor for the preceding 5-year period ending on December 31.

6 **11.0902 Applicable periods.** (1) For an individual who is a candidate for an
7 office that the individual holds, the limits under s. 11.0901 (1) to (4) apply during the
8 term of that office.

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

15 **11.0903 Exceptions.** Except as provided in subs. (3) (b) and (4) (b), the
16 following contributions may be made in unlimited amounts:

17 (1) Contributions to a political action committee.

18 (2) Contributions transferred between political action committees.

19 (3) (a) Except as provided in par. (b) and s. 11.0901 (4), contributions to a
20 legislative campaign committee.

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

3 (4) (a) Except as provided in par. (b) and s. 11.0901 (4), contributions to a
4 political party.

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

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

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

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

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

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

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

24 **11.0904 Valuation** (1) Except as provided in s. 11.0908, for purposes of
25 complying with a contribution limit under this section, the value of a contribution of

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

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

7 **11.0905 Conduit contributions.** (1) For purposes of this chapter, a
8 contribution released by a conduit to a committee is to be reported by the committee
9 as a contribution from the person or committee who made the contribution and not
10 as a contribution from the conduit.

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

14 (3) Each filing officer shall place a copy of any report received under s. 11.0605
15 (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.

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

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

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

6 (b) A committee that accepts a contribution contrary to law, reports that
7 contribution, and returns that contribution within 15 days after the filing date for
8 the reporting period in which the contribution is received does not violate the
9 contribution limits under s. 11.0901.

10 **11.0908 Valuation of opinion poll results** (1) In this section:

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

12 1. The period beginning on December 1 and ending on the date of the spring
13 election.

14 2. The period beginning on May 1 and ending on the date of the general election.

15 3. The period beginning on the first day for circulating nomination papers and
16 ending on the date of a special election.

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

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

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

22 (2) If a candidate or committee receives opinion poll or a voter survey results
23 during the first 15 days after the initial recipient receives the results, and the
24 candidate or committee received the results during an election period, the candidate
25 or committee shall report the results as a contribution. The candidate or committee

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

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

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

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

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

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

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

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

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

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

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

20 **11.0909 Corporations, cooperatives, and tribes.** No foreign or domestic
21 corporation, or association organized under ch. 185 or 193, may make a contribution,
22 to a candidate committee and no federally recognized American Indian tribe or band
23 may make a contribution to a candidate committee.

24 **11.0910 Two candidate committees.** (1) If a candidate establishes a 2nd
25 candidate committee under s. 11.0202 (2) to pursue a state or local office for which

1 the contribution limit under this subchapter is higher than the contribution limit for
2 the office that the candidate originally sought, the 2nd candidate committee may
3 accept contributions up to the higher limit, but shall include the amount of the
4 contributions transferred from the first candidate committee to the 2nd candidate
5 committee.

6 (2) If a candidate establishes a 2nd candidate committee under s. 11.0202 (2)
7 to pursue a state or local office for which the contribution limit under this subchapter
8 is lower than the contribution limit for the office that the candidate originally sought,
9 the first candidate committee shall transfer its contributions to the 2nd candidate
10 committee in an amount not to exceed the contribution limits applicable to the 2nd
11 candidate committee and shall return any remainder to the original contributors or
12 donate the remainder to a charitable organization or to the school fund.

13 SUBCHAPTER X

14 PROHIBITED PRACTICES

15 **11.1001 False reports and statements.** No person may prepare or submit
16 a false report or statement to a filing officer under this chapter.

17 **11.1002 Earmarking.** (1) The treasurer of a candidate committee may agree
18 with a prospective contributor that a contribution is received to be used for a specific
19 purpose not prohibited by law. That purpose may not include a disbursement to
20 support or oppose another candidate or the transfer to a conduit or committee acting
21 to support or oppose another candidate.

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

24 (3) Except for transfers of membership–related moneys between committees
25 of the same political party, no committee may transfer to another committee the

1 earmarked contributions of others. Transfers of membership-related moneys
2 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.

3 **11.1003 Coordination.** No person may make an expenditure for express
4 advocacy that is coordinated with a candidate, candidate committee, candidate’s
5 agent, legislative campaign committee, or political party. For purposes of this
6 section, an expenditure for express advocacy is coordinated with a candidate,
7 candidate committee, candidate’s agent, legislative campaign committee, or political
8 party if the candidate, candidate committee, candidate’s agent, legislative campaign
9 committee, or political party exercises control over; or engages in substantial
10 discussions or negotiations with the person making the expenditure regarding; any
11 of the following:

- 12 (1) The communication’s content.
13 (2) The communication’s timing.
14 (3) The location, form, or intended audience of the communication.
15 (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?

16 **11.1004 Unlawful political contributions.** (1) Subject to sub. (2), no person
17 may, directly or indirectly, make any contribution other than from funds or property
18 belonging to the person. No person may, directly or indirectly, give funds or property
19 to another person for the purpose of making a contribution in other than the person’s

1 own name. No person may intentionally accept or receive any contribution made in
2 violation of this subsection.

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

3 (2) A conduit releasing a contribution of money in the manner prescribed in s.
4 11.9004 (2) does not violate sub. (1).

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

7 **11.1005 Use of government materials by candidates.** (1) (a) Except as
8 provided in sub. (2), no person elected to state or local office who becomes a candidate
9 for national, state, or local office may use public funds for the cost of materials or
10 distribution for 50 or more pieces of substantially identical material distributed
11 after:

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

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

17 3. In the case of a candidate who is nominated at a caucus, the date of the
18 caucus.

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

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

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

3 (a) Answers to communications of constituents.

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

7 (c) Communications between members of the legislature regarding the
8 legislative or deliberative process while the legislature is in session.

9 (d) Communications not exceeding 500 pieces by members of the legislature
10 relating solely to the subject matter of a special session or extraordinary session,
11 made during the period between the date that the session is called or scheduled and
12 14 days after adjournment of the session.

13 **11.1006 Travel by public officers.** (1) No person may use any vehicle or
14 aircraft owned by the state or by any local governmental unit for any trip which is
15 exclusively for the purposes of campaigning to support or oppose any candidate for
16 national, state, or local office, unless use of the vehicle or aircraft is required for
17 purposes of security protection provided by the state or local governmental unit.

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

1 percent of the cost of the trip. The portion of the trip attributable to campaigning
2 shall be determined by dividing the number of appearances made for campaign
3 purposes by the total number of appearances. Fees payable to the state shall be
4 prescribed by the secretary of administration and shall be deposited in the account
5 under s. 20.855 (6) (h). Fees payable to a local governmental unit shall be prescribed
6 by the governing body of the governmental unit.

7 **11.1007 Political solicitation involving public officials and employees**
8 **restricted.** (1) In this section:

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

10 (b) “Political purpose” means for the purpose of influencing the election or
11 nomination for election of an individual to state, local, or national office; for the
12 purpose of influencing the recall from or retention in office of an individual holding
13 a state, local, or national office; for the purpose of payment of a recount at an election,
14 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?

15 (2) (a) Except as provided in par. (b) and (c), no person may solicit or receive
16 from any state officer or employee or from any officer or employee of the University
17 of Wisconsin Hospitals and Clinics Authority any contribution or service for any
18 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.

19 (b) Paragraph (a) does not apply to a contribution or service solicited or received
20 from a state officer or employee or an officer or employee of the University of

1 Wisconsin Hospitals and Clinics Authority who is on an unpaid leave of absence at
2 the time of the solicitation or receipt.

***NOTE: Does this accomplish your intent?

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

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

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

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

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

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

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

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

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

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

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

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

17 4. For payment of the expenses of nonpartisan campaigns to increase voter
18 registration or participation.

19 (c) A candidate committee may accept contributions and make disbursements
20 from a campaign depository account for payment of inaugural expenses of an
21 individual who is elected to state or local office. Inaugural expenses paid from
22 contributions made to the campaign depository account are reportable under s.
23 11.2003 (1) as disbursements and are subject to the limits under s. 11.9000.

24 (4) No moneys solicited for political purposes and reported under this chapter
25 may be invested for the purpose of producing income unless the investment is in

1 direct obligations of the United States and of agencies and corporations wholly
2 owned by the United States, commercial paper maturing within one year from the
3 date of investment, preferred shares of a corporation, or securities of an investment
4 company registered under the federal investment company act of 1940 (15 USC 80a)
5 and registered for public offer and sale in this state of the type commonly referred
6 to as a “money market fund”.

7 **11.1009 Solicitation of contributions from candidates restricted. (1)**

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

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

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

16 SUBCHAPTER XI

17 ADMINISTRATION

18 **11.1101 Reporting; specific express advocacy. (1) EXPENDITURES.** (a) Any
19 person, other than a committee, spending \$5,000 or more in the aggregate on express
20 advocacy shall submit statements to the board under par. (b) if the express advocacy
21 is made during the period beginning on the day that is 30 days prior to the day of the
22 primary or election involving the candidate in subd. 1. and ending on the day of the
23 primary or election involving that candidate.

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

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

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

5 3. The purpose for making the expenditures.

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

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

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

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

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

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

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

22 (2) EXCEPTION. A person who is required to report under this section is not
23 required to submit the information described under sub. (1) (b) regarding
24 expenditures made before reaching the \$5,000 threshold under sub. (1) (a). For

1 purposes of this section, an expenditure for express advocacy is the amount spent
2 directly on developing, producing, and disseminating the express advocacy.

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

5 **11.1102 Defense fund authorized.** (1) Any candidate or public official who
6 is being investigated for, charged with, or convicted of a criminal violation of this
7 chapter or ch. 12, or whose agent is so investigated, charged, or convicted, may
8 establish a defense fund for expenditures supporting or defending the candidate,
9 official, or agent, or any dependent of the candidate, official, or agent, while that
10 person is being investigated for, or while the person is charged with or convicted of
11 a criminal violation of this chapter or ch. 12.

12 (2) No person may use a contribution received from a contributor to a candidate
13 committee fund for a purpose for which a defense fund is authorized under sub. (1)
14 unless the person obtains the contributor's authorization. Notwithstanding s.
15 11.1008 (3) (a), any contributor may authorize the transfer of all or part of a
16 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."

17 **11.1103 Donations to charitable organizations or school fund.** Any
18 committee may make a donation to a charitable organization or the common school
19 fund from the committee's treasury. No later than 5 days after a committee makes
20 a donation to a charitable organization or the common school fund from the
21 committee's treasury, the committee shall notify the committee's filing officer in

1 writing of the name of the donee and the date of the donation, and shall provide an
2 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”?

3 **11.1104 Attribution of political contributions, disbursements and**
4 **communications.** (1) No disbursement may be made anonymously and no
5 contribution or disbursement may be made in a fictitious name or by one person or
6 organization in the name of another.

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

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

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

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

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

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

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

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

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

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

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

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

5 **11.1105 Continuing compliance.** An individual does not cease to be a
6 candidate for purposes of compliance with this chapter or ch. 12 after the date of an
7 election and no candidate or candidate committee is released from any requirement
8 or liability otherwise imposed under this chapter or ch. 12 simply because the
9 election date has passed.

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

10 **11.1106 Duties of the government accountability board.** The board shall:

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

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

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

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

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

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

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

15 (b) Permit a committee or conduit that accepts contributions in a total amount
16 or value of \$1,000 or less during a campaign period to opt out of the requirement to
17 file a campaign finance report in an electronic format as specified in par. (a). In this
18 paragraph, the “campaign period” of a candidate committee begins and ends with the
19 “campaign” of the candidate whose candidacy is supported, as defined in [current law
20 s. 11.26 (17)], and the “campaign period” of any other committee begins on January
21 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?

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

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

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

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

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

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

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

21 (b) Compile and maintain a current list of all reports and statements pertaining
22 to each candidate who is required to file a report or statement under the federal
23 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?

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

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

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

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

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

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

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

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

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

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

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

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

21 SUBCHAPTER XII

22 PENALTIES

23 **11.1200 Civil penalties.** (1) Any person who violates this chapter may be
24 required to forfeit not more than \$500 for each violation.

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

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

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

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

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

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

1 (8) When a candidate committee treasurer or candidate's agent incurs an
2 obligation or makes a disbursement, that action by the treasurer or agent is imputed
3 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.

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

7 **11.12001 Criminal penalties; prosecution.** (1) (a) Whoever intentionally
8 violates s. 11.1004 or any registration or reporting requirement under this chapter
9 is guilty of a Class I felony.

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

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

- 16 1. Any provision of this chapter other than those provided in par. (a).
17 2. Any provision under par. (b) if the violation concerns a specific amount or
18 value not exceeding \$100.

19 (2) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i), 5.08,
20 and 5.081, and only after the board has determined probable cause, all prosecutions
21 under this section shall be conducted by the district attorney for the county where
22 the defendant resides or, if the defendant is a nonresident, by the district attorney
23 for the county where the violation is alleged to have occurred. For purposes of this

1 subsection, a person other than an individual resides within a county if the person's
2 principal place of operation is located within that county.

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

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

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

19 13.62 (5g) "Candidate" has the meaning given under s. ~~11.01(1)~~ 11.0101(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.

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

21 13.62 (5j) "Candidate committee" has the meaning given in s. 11.0101 (2).

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

23 13.62 (5u) "Contribution" has the meaning given in s. 11.0101 (8).

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

3 13.625 (1m) (a) (intro.) Except as ~~permitted~~ provided in this subsection,
4 ~~personally make par. (b), a lobbyist may not do any of the following:~~

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

8 2. ~~Make a personal contribution~~ to a candidate for a partisan elective state
9 office to be filled at the general election or a special election; ~~or.~~

10 3. ~~Make a personal contribution to the official's or candidate's personal~~
11 ~~campaign candidate committee of a partisan elective state official or candidate for~~
12 ~~partisan state elective office.~~

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

****NOTE: This section addresses the "window for contributions" question.

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

21 13.625 (1m) (b) 1. A ~~campaign~~ contribution to a candidate for legislative office
22 may be made during that period only if the legislature has concluded its final
23 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.

