

**ENGROSSED ASSEMBLY BILL 387**

1 committee in an amount not to exceed the contribution limits applicable to the 2nd  
2 candidate committee.

3 (3) Upon termination of a 2nd candidate committee, the 2nd candidate  
4 committee may transfer any of its remaining funds to the first candidate committee  
5 in amounts not to exceed the contribution limits applicable to the persons who  
6 contributed to the first candidate committee.

7 **SUBCHAPTER XII**

8 **PROHIBITED PRACTICES**

9 **11.1201 False reports and statements.** No person may prepare or submit  
10 a false report or statement to a filing officer under this chapter.

11 **11.1202 Earmarking.** (1) The treasurer of a candidate committee may agree  
12 with a prospective contributor that a contribution is received to be used for a specific  
13 purpose not prohibited by law. That purpose may not include a disbursement to a  
14 committee to support or oppose another candidate.

15 (2) When a contribution is made to a committee other than a candidate  
16 committee, the contributor may not direct the committee to make a disbursement to  
17 a committee to support or oppose another candidate.

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

22 **11.1203 Coordination.** (1) No person may make an expenditure for express  
23 advocacy that is coordinated with a candidate, candidate committee, candidate's  
24 agent, the legislative campaign committee of the candidate's party, or a political

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1 party in excess of the contribution limits under s. 11.1101 or in violation of the source  
2 restrictions under s. 11.1112. ✓

3 (2) (a) For purposes of this section, an expenditure for express advocacy is  
4 coordinated if any of the following ~~apply~~ apply:

5 1. The expenditure is made at the request or suggestion of the candidate or  
6 candidate's agent.

7 2. The candidate exercises control over the expenditure.

8 3. The candidate engages in substantial discussions or negotiations with the  
9 person making the expenditure regarding any of the following:

10 a. The communication's content.

11 b. The communication's timing.

12 c. The location, form, or intended audience of the communication.

13 d. The number or frequency of communications.

14 (b) If an expenditure for express advocacy is coordinated but is not in violation  
15 of sub. (1), all of the following apply: ✓

16 1. The person making the expenditure shall report the expenditure as a  
17 disbursement if the person is a committee subject to the reporting requirements  
18 under this chapter. ✓

19 2. The candidate committee shall report the expenditure as a contribution. ✓

20 **11.1204 Unlawful political contributions.** (1) Subject to sub. (2), no person  
21 may, directly or indirectly, make any contribution other than from funds or property ✓  
22 belonging to the person. No person may, directly or indirectly, give funds or property  
23 to another person for the purpose of making a contribution in other than the first  
24 person's name.

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1           (2) A conduit releasing a contribution of money in the manner prescribed in s.  
2 11.0704 does not violate sub. (1).

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

5           **11.1205 Use of government materials by candidates.** (1) (a) Except as  
6 provided in sub. (2), no person elected to state or local office who becomes a candidate  
7 for national, state, or local office may use public funds for the cost of materials or  
8 distribution for 50 or more pieces of substantially identical material distributed  
9 after:

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

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

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

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

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

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

25           (a) Answers to communications of constituents.

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

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

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

10 **11.1206 Travel by public officers.** (1) No person may use any vehicle or  
11 aircraft owned by the state or by any local governmental unit for any trip which is  
12 exclusively for the purposes of campaigning to support or oppose any candidate for  
13 national, state, or local office, unless use of the vehicle or aircraft is required for  
14 purposes of security protection provided by the state or local governmental unit.

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

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

**11.1207 Political solicitation involving public officials and employees**

4 **restricted.** (1) (a) Except as provided in par. (b), no person may solicit or receive  
5 from any state officer or employee or from any officer or employee of the University  
6 of Wisconsin Hospitals and Clinics Authority any contribution during established  
7 hours of employment or while the officer or employee is engaged in his or her official  
8 duties. ✓

9  
10 (b) Paragraph (a) does not apply to communications about a referendum.

11 (2) No person may solicit or receive from any officer or employee of a political  
12 subdivision of this state any contribution during established hours of employment  
13 or while the officer or employee is engaged in his or her official duties.

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

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

23 (5) This section does not apply to a response by a legal custodian or subordinate  
24 of the custodian to a request to locate, reproduce, or inspect a record under s. 19.35

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1 if the request is processed in the same manner as the custodian or subordinate  
2 responds to other requests to locate, reproduce, or inspect a record under s. 19.35.

3 **11.1208 Unlawful political disbursements and obligations.** (1) No  
4 person may intentionally receive or accept anything of value, or any promise or  
5 pledge thereof, constituting a disbursement made or obligation incurred contrary to  
6 law.

7 (2) (a) Except as provided in pars. (b) and (c), a committee may not make a  
8 disbursement or incur an obligation for the committee's or an individual's strictly  
9 personal use.

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

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

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

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

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

20 (c) A candidate committee may accept contributions and make disbursements  
21 from a campaign depository account for payment of inaugural expenses of an  
22 individual who is elected to state or local office. Inaugural expenses paid from  
23 contributions made to the campaign depository account are reportable under s.  
24 11.0204 (1) as disbursements and are subject to the limits under s. 11.1101.

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1        ✓ (3) No contributions to or disbursements from a committee's depository  
2        account may be invested for the purpose of producing income unless the investment  
3        is in direct obligations of the United States and of agencies and corporations wholly  
4        owned by the United States, commercial paper maturing within one year from the  
5        date of investment, preferred shares of a corporation, or securities of an investment  
6        company registered under the federal investment company act of 1940 (15 USC 80a)  
7        and registered for public offer and sale in this state of the type commonly referred  
8        to as a "money market fund".

**SUBCHAPTER XIII****ADMINISTRATION**

11        **11.1301 Defense fund authorized.** (1) Any candidate or public official who  
12        is being investigated for, charged with, or convicted of a criminal violation of this  
13        chapter or ch. 12, or whose agent is so investigated, charged, or convicted, may  
14        establish a defense fund for disbursements supporting or defending the candidate,  
15        official, or agent, or any dependent of the candidate, official, or agent, while that  
16        person is being investigated for, or while the person is charged with or convicted of  
17        a criminal violation of this chapter or ch. 12.

18        (2) No person may use a contribution received from a contributor to a candidate  
19        committee fund for a purpose for which a defense fund is authorized under sub. (1)  
20        unless the person obtains the contributor's authorization. Notwithstanding s.  
21        11.1202 (3), any contributor may authorize the transfer of all or part of a contribution  
22        from a campaign fund to a defense fund. ✓

23        **11.1302 Donations to charitable organizations or school fund.** Any  
24        committee may make a donation to a charitable organization or the common school  
25        fund from the committee's depository account. No later than 5 days after a committee

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1 makes a donation to a charitable organization or the common school fund from the  
2 committee's depository account, the committee shall notify the committee's filing  
3 officer in writing of the name of the donee and the date of the donation, and shall  
4 provide an explanation for not retaining the amount donated in the committee's  
5 depository account.

6 **11.1303 Attribution of political contributions, disbursements and**  
7 **communications.** (1) No disbursement may be made anonymously and no  
8 contribution or disbursement may be made in a fictitious name or by one person or  
9 organization in the name of another.

10 (2) (a) Every printed advertisement, billboard, handbill, sample ballot,  
11 television or radio advertisement, or other communication containing express  
12 advocacy which is paid for by any contribution or disbursement shall clearly identify  
13 its source. ✓

14 (b) Every communication described under par. (a) the cost of which is paid for  
15 or reimbursed by a committee, or for which a committee assumes responsibility,  
16 whether by accepting a contribution or making a disbursement, shall identify its  
17 source by the words "Paid for by" followed by the name of the committee making the  
18 payment or reimbursement or assuming responsibility for the communication and  
19 may include the name of the treasurer or other authorized agent of the committee. ✓

20 (c) Every communication for express advocacy the cost of which exceeds \$2,500  
21 and is paid for or reimbursed by any person, other than a committee, shall identify  
22 its source by the words "Paid for by" followed by the name of the person. ✓

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. 11.0505 (1) (b) 6., 11.0605 (1) (b) 6.,  
25 or 11.1001 (1) (b) 6. shall also include the words "Not authorized by any candidate



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1 or candidate's agent or committee" in every communication containing express  
2 advocacy. ✓

3 (e) Communications described in par. (a) to (c) and made by a candidate  
4 committee may identify the name of the candidate committee except that no  
5 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 containing express  
11 advocacy printed on small items on which the information required by this  
12 subsection cannot be conveniently printed, including text messages, social media  
13 communications, and certain small advertisements on mobile phones. The board  
14 may, by rule, specify small items or other communications to which this subsection  
15 shall not apply. ✓

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

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

24 **11.1304 Duties of the government accountability board.** The board shall:

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

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

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

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

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

15           (5) Assign an identification number to each committee for whom the board acts  
16 as a filing officer under s. 11.0102 (1) and to each conduit.

17           (6) (a) Except as provided in par. (b), require each committee for whom the  
18 board serves as filing officer under s. 11.0102 (1) to file each campaign finance report  
19 that is required to be filed under this chapter in an electronic format. The board shall  
20 permit an authorized individual to provide at the time of filing an electronic  
21 signature, as defined in s. 137.11 (8), that is subject to a security procedure, as  
22 defined in s. 137.11 (13). A committee that files a report under this subsection in an  
23 electronic format may file with the board that portion of the report signed by an  
24 authorized individual rather than submit the electronic signature of that individual. ✓

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1 The board shall provide complete instructions to any committee that files a report  
2 under this subsection.

3 (b) Permit a committee that accepts contributions in a total amount or value  
4 of \$1,000 or less during a campaign period to opt out of the requirement to file a  
5 campaign finance report in an electronic format as specified in par. (a). In this  
6 paragraph, the campaign period of a candidate committee begins and ends as  
7 provided under s. 11.1103, and the campaign period of any other committee begins  
8 on January 1 of each odd-numbered year and ends on December 31 of the following  
9 year.

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

13 (8) Maintain a duplicate record of any statement submitted by a political action  
14 committee under s. 11.0505 or by an independent expenditure committee under s.  
15 11.0605 or by a person under subchapter X together with the record of each candidate  
16 to whom it relates. ✓

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

20 (10) Immediately send to any committee or conduit which is delinquent in  
21 filing, or which has filed otherwise than in the proper form, a notice that the  
22 committee or conduit has failed to comply with this chapter. Whenever a candidate  
23 committee has appointed an individual other than the candidate as campaign  
24 treasurer, the board shall send the notice to both the candidate and the treasurer of  
25 the candidate committee. ✓

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

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

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

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

14           (12) Make the reports and statements filed under this chapter, including those  
15 reports and statements filed under sub. (11), available on the board's Internet site  
16 for public inspection and copying, commencing as soon as practicable but not later  
17 than the end of the 2nd day following the day during which they are received. No  
18 information copied from such reports and statements may be sold or utilized by any  
19 person for any commercial purpose. ✓

20           (13) Upon the request of any person, permit copying of any report or statement  
21 described under sub. (12) by hand or by duplicating machine at cost.

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

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

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

4 (c) Total amounts expended during the biennium, reported by disbursement  
5 amounts as determined by the board, by each type of committee registered and  
6 reporting under this chapter.

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

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

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

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

15 (17) Promulgate rules to administer this chapter.

16 SUBCHAPTER XIV

17 PENALTIES

18 **11.1400 Civil penalties.** (1) Any person who violates this chapter may be  
19 required to forfeit not more than \$500 for each violation.

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

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

4           (4) 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           (5) 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           (6) 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           (7) 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.

22           (8) 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.

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1           **11.1401 Criminal penalties; prosecution.** (1) (a) Whoever intentionally  
2 violates s. 11.1204 or any registration or reporting requirement under this chapter  
3 is guilty of a Class I felony.

4           (b) Whoever intentionally violates subch. XI or s. 11.1201, 11.1208, or 11.1303  
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).

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

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

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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 25.** 12.07 (4) of the statutes is amended to read:

11 12.07 (4) No person may, directly or indirectly, cause any person to make a  
12 contribution or provide any service or other thing of value to or for the benefit of a  
13 ~~candidate, political party or registrant~~ committee registered under s. ~~11.05~~ chapter  
14 11, with the purpose of influencing the election or nomination of a candidate to  
15 national, state or local office or the passage or defeat of a referendum by means of the  
16 denial or the threat of denial of any employment, position, work or promotion, or any  
17 compensation or other benefit of such employment, position or work, or by means of  
18 discharge, demotion or disciplinary action or the threat to impose a discharge,  
19 demotion or disciplinary action. This subsection does not apply to employment by  
20 a ~~candidate, political party or other registrant~~ committee registered under s. ~~11.05~~  
21 chapter 11 in connection with a campaign or political party activities. <sup>✓</sup> This subsection  
22 also does not apply to information provided by any person that expresses that  
23 person's opinion on any candidate or committee, any referendum or the possible  
24 effects of any referendum, or the policies advocated by any candidate or committee. ✓

25 **SECTION 26.** 12.08 of the statutes is amended to read:



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1           **12.08 Denial of government benefits.** No person may, directly or indirectly,  
2           cause any person to make a contribution or provide any service or other thing of value  
3           to or for the benefit of a ~~candidate, political party or registrant~~ committee registered  
4           under s. ~~11.05~~ chapter 11, with the purpose of influencing the election or nomination  
5           of a candidate to national, state, or local office or the passage or defeat of a  
6           referendum by means of the denial or threat of denial of any payment or other benefit  
7           of a program established or funded in whole or in part by this state or any local  
8           governmental unit of this state, or a program which has applied for funding by this  
9           state or any local governmental unit of this state.

10           **SECTION 27.** 12.13 (3) (h) of the statutes is amended to read:

11           12.13 (3) (h) Deface, destroy or remove any legally placed election campaign  
12           advertising poster with intent to disrupt the campaign advertising efforts of any  
13           ~~candidate, or of any committee, group or individual~~ committee registered under ch.  
14           11, or alter the information printed thereon so as to change the meaning thereof to  
15           the disadvantage of the candidate or cause espoused. Nothing in this paragraph  
16           restricts the right of any owner or occupant of any real property, or the owner or  
17           operator of any motor vehicle, to remove campaign advertising posters from such  
18           property or vehicle.

19           **SECTION 28.** 12.60 (4) of the statutes is amended to read:

20           12.60 (4) Prosecutions under this chapter shall be conducted in accordance  
21           with s. ~~11.61~~ 11.1401 (2).

22           **SECTION 29.** 13.62 (5g) of the statutes is amended to read:

23           13.62 (5g) “Candidate” has the meaning given under s. ~~11.01 (1)~~ 11.0101 (1).

24           **SECTION 30.** 13.62 (5j) of the statutes is created to read:

25           13.62 (5j) “Candidate committee” has the meaning given in s. 11.0101 (2).

**ENGROSSED ASSEMBLY BILL 387****SECTION 31**

1           **SECTION 31.** 13.62 (5r) of the statutes is amended to read:

2           13.62 (5r) “Communications media” ~~has the meaning given under s. 11.01 (5)~~  
3           means newspapers, periodicals, commercial billboards and radio and television  
4           stations, including community antenna television stations.

5           **SECTION 32.** 13.62 (5u) of the statutes is created to read:

6           13.62 (5u) “Contribution” has the meaning given in s. 11.0101 (8).

7           **SECTION 33.** 13.62 (11t) of the statutes is repealed.

8           **SECTION 34.** 13.625 (1) (b) (intro.) of the statutes is amended to read:

9           13.625 (1) (b) (intro.) ~~Furnish~~ Give to any agency official or legislative employee  
10          of the state or to any elective state official or candidate for an elective state office, or  
11          to the ~~official’s, employee’s or candidate’s personal campaign~~ candidate committee of  
12          the official, employee, or candidate:

13          **SECTION 35.** 13.625 (1) (b) 3. of the statutes is amended to read:

14          13.625 (1) (b) 3. Food, meals, beverages, money or any other thing of pecuniary  
15          value, except that a lobbyist may deliver a contribution or make a campaign personal  
16          contribution to a partisan elective state official or candidate for national, state or  
17          local office or to the ~~official’s or candidate’s personal campaign~~ candidate committee  
18          of the official or candidate; but a lobbyist may make a personal contribution to which  
19          ~~par. (c) sub. (1m)~~ applies only as authorized in ~~par. (c) sub. (1m).~~ ✓

20          **SECTION 36.** 13.625 (1) (c) (intro.) of the statutes is renumbered 13.625 (1m) (a)  
21          (intro.) and amended to read:

22          13.625 (1m) (a) (intro.) Except as permitted provided in ~~this subsection,~~  
23          personally make par. (b), a lobbyist may not do any of the following:

## ENGROSSED ASSEMBLY BILL 387

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

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

6           3. Make a personal contribution to the official's or candidate's personal  
7 campaign candidate committee of a partisan elective state official or candidate for  
8 partisan state elective office.

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

15           **SECTION 37.** 13.625 (1) (c) 1. of the statutes is renumbered 13.625 (1m) (b) 1.  
16 and amended to read:

17           13.625 (1m) (b) 1. A ~~campaign~~ contribution to a candidate for legislative office  
18 may be made during that period only if the legislature has concluded its final  
19 floorperiod, and is not in special or extraordinary session.

20           **SECTION 38.** 13.625 (1) (c) 2. of the statutes is renumbered 13.625 (1m) (b) 2.  
21 and amended to read:

22           13.625 (1m) (b) 2. A ~~campaign~~ contribution by a lobbyist to the lobbyist's  
23 campaign candidate committee for partisan elective state office may be made at any  
24 time.

25           **SECTION 39.** 13.625 (2) of the statutes is amended to read:

**ENGROSSED ASSEMBLY BILL 387****SECTION 39**

1           13.625 (2) No principal may engage in the practices prohibited under ~~sub.~~ subs.  
2 (1) (b) and (e) (1m). This subsection does not apply to the furnishing of  
3 transportation, lodging, food, meals, beverages, or any other thing of pecuniary value  
4 which is also made available to the general public.

5           **SECTION 40.** 13.625 (3) of the statutes is amended to read:

6           13.625 (3) No candidate for an elective state office, elective state official, agency  
7 official, or legislative employee of the state may solicit or accept anything of  
8 pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (b)  
9 3. ~~and (e)~~, (1m), (2), (4), (5), (6), (7), (8) and (9). No ~~personal-campaign candidate~~  
10 committee of a candidate for state office may accept anything of pecuniary value from  
11 a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b)  
12 3. ~~and (e)~~, (1m), (2), and (6).

13           **SECTION 41.** 13.625 (6r) of the statutes is amended to read:

14           13.625 (6r) Subsections (1) (b) ~~and (e)~~, (1m), and (3) do not apply to the  
15 furnishing of anything of pecuniary value by a lobbyist or principal to an employee  
16 of that lobbyist or principal who is a legislative official or an agency official solely  
17 because of membership on a state commission, board, council, committee or similar  
18 body if the thing of pecuniary value is not in excess of that customarily provided by  
19 the employer to similarly situated employees and if the legislative official or agency  
20 official receives no compensation for his or her services other than a per diem or  
21 reimbursement for actual and necessary expenses incurred in the performance of his  
22 or her duties, nor to the receipt of anything of pecuniary value by that legislative  
23 official or agency official under those circumstances.

24           **SECTION 42.** 13.69 (6) of the statutes is amended to read:

**ENGROSSED ASSEMBLY BILL 387**

1           13.69 (6) Any candidate for an elective state office, elective state official, agency  
2           official, or legislative employee of the state who, or any ~~personal campaign candidate~~  
3           committee which, violates s. 13.625 (3) may be required to forfeit not more than  
4           \$1,000.

5           **SECTION 43.** 13.695 (4) of the statutes is amended to read:

6           13.695 (4) No officer or employee of an agency who is identified in a statement  
7           filed under this section may engage in the prohibited practices set forth in s. 13.625  
8           (1) (a) or (d), or use state funds to engage in the practices set forth in s. 13.625 (1) (b)  
9           or to make ~~campaign contributions as defined in s. 11.01 (6)~~ a contribution. This  
10          subsection does not prohibit an agency official who is identified in a statement filed  
11          under this section from authorizing salaries and other payments authorized by law  
12          to be paid to state officers, employees, consultants, or contractors, or candidates for  
13          state office, or from authorizing property or services of the agency to be provided for  
14          official purposes or other purposes authorized by law, whenever that action is taken  
15          in the normal course of affairs.

16          **SECTION 44.** 13.75 (intro.) of the statutes is renumbered 13.75 (1g) (intro.).

17          **SECTION 45.** 13.75 (1r) of the statutes is created to read:

18          13.75 (1r) The board may accept payment under this section by credit card,  
19          debit card, or other electronic payment mechanism, and may charge a surcharge to  
20          recover the actual cost associated with the acceptance of that electronic payment.

21          **SECTION 46.** 15.60 (5) of the statutes is amended to read:

22          15.60 (5) No member, for one year immediately prior to the date of nomination  
23          may have been, or while serving on the board may become, a member of a political  
24          party, an officer or member of a committee in any partisan political club or

**ENGROSSED ASSEMBLY BILL 387****SECTION 46**

1 organization, or an officer or employee of a ~~registrant~~ committee registered under s.  
2 ~~11.05~~ ch. 11.

3 **SECTION 47.** 15.60 (6) of the statutes is amended to read:

4 15.60 (6) No member, while serving on the board, may become a candidate, as  
5 defined in s. ~~11.01 (1)~~ 11.0101 (1), for state office or local office, as defined in s. 5.02.

6 **SECTION 48.** 15.60 (7) of the statutes is amended to read:

7 15.60 (7) No member, while serving on the board, may make a contribution, as  
8 defined in s. ~~11.01 (6)~~ 11.0101 (8), to a candidate, as defined in s. ~~11.01 (1)~~ 11.0101  
9 (1), for state office or local office, as defined in s. 5.02. No individual who serves as  
10 a member of the board, for 12 months prior to beginning that service, may have made  
11 a contribution, as defined in s. ~~11.01 (6)~~ 11.0101 (8), to a candidate for a partisan state  
12 or local office, as defined in s. 5.02.

13 **SECTION 49.** 15.79 (2) (b) of the statutes is amended to read:

14 15.79 (2) (b) Directly or indirectly solicit or receive any contribution, as defined  
15 in s. ~~11.01 (6)~~, for any political purpose, as defined in s. ~~11.01 (16)~~ 11.0101 (8), from  
16 any person within or outside of the state.

17 **SECTION 50.** 19.42 (3m) of the statutes is amended to read:

18 19.42 (3m) “Candidate,” except as otherwise provided, has the meaning given  
19 in s. ~~11.01 (1)~~ 11.0101 (1).

20 **SECTION 51.** 19.45 (13) of the statutes is amended to read:

21 19.45 (13) No state public official or candidate for state public office may,  
22 directly or by means of an agent, give, or offer or promise to give, or withhold, or offer  
23 or promise to withhold, his or her vote or influence, or promise to take or refrain from  
24 taking official action with respect to any proposed or pending matter in consideration  
25 of, or upon condition that, any other person make or refrain from making a political

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1 contribution, or provide or refrain from providing any service or other thing of value,  
2 to or for the benefit of a candidate, a political party, any person ~~who is subject to a~~  
3 ~~registration requirement~~ committee registered under ~~s. 11.05~~ ch. 11, or any person  
4 making a communication that contains a reference to a clearly identified state public  
5 official holding an elective office or to a candidate for state public office.

6 **SECTION 52.** 19.579 (1) of the statutes is amended to read:

7 19.579 (1) Except as provided in sub. (2), any person who violates this  
8 subchapter may be required to forfeit not more than \$500 for each violation of s.  
9 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of any other  
10 provision of this subchapter. If the court determines that the accused has realized  
11 economic gain as a result of the violation, the court may, in addition, order the  
12 accused to forfeit the amount gained as a result of the violation. In addition, if the  
13 court determines that a state public official has violated s. 19.45 (13), the court may  
14 order the official to forfeit an amount equal to the amount or value of any political  
15 contribution, service, or other thing of value that was wrongfully obtained. If the  
16 court determines that a state public official has violated s. 19.45 (13) and no political  
17 contribution, service, or other thing of value was obtained, the court may order the  
18 official to forfeit an amount equal to the maximum contribution authorized under s.  
19 ~~11.26~~ 11.1101 (1) for the office held or sought by the official, whichever amount is  
20 greater. The attorney general, when so requested by the board, shall institute  
21 proceedings to recover any forfeiture incurred under this section which is not paid  
22 by the person against whom it is assessed.

23 **SECTION 53.** 19.59 (1) (br) of the statutes is amended to read:

24 19.59 (1) (br) No local public official or candidate for local public office may,  
25 directly or by means of an agent, give, or offer or promise to give, or withhold, or offer

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1 or promise to withhold, his or her vote or influence, or promise to take or refrain from  
2 taking official action with respect to any proposed or pending matter in consideration  
3 of, or upon condition that, any other person make or refrain from making a political  
4 contribution, or provide or refrain from providing any service or other thing of value,  
5 to or for the benefit of a candidate, a political party, any person who is subject to a  
6 registration requirement committee registered under s. ~~11.05~~ ch. 11, or any person  
7 making a communication that contains a reference to a clearly identified local public  
8 official holding an elective office or to a candidate for local public office.

9 **SECTION 54.** 19.59 (7) (b) of the statutes is amended to read:

10 19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not  
11 more than \$1,000 for each violation, and, if the court determines that a local public  
12 official has violated sub. (1) (br) and no political contribution, service or other thing  
13 of value was obtained, the court may, in addition, order the accused to forfeit an  
14 amount equal to the maximum contribution authorized under s. ~~11.26~~ 11.1101 (1) for  
15 the office held or sought by the official, whichever amount is greater.

16 **SECTION 55.** 20.511 (1) (a) of the statutes is amended to read:

17 20.511 (1) (a) *General program operations; general purpose revenue.*  
18 Biennially, the amounts in the schedule for general program operations of the board,  
19 including the printing of forms, materials, manuals, and election laws under ss. 7.08  
20 (1) (b), (3), and (4) and ~~11.21~~ 11.1304 (3) and (14), and the training of election officials  
21 under s. 5.05 (7).

22 **SECTION 56.** 20.511 (1) (i) of the statutes is amended to read:

23 20.511 (1) (i) *Elections administration; program revenue.* The amounts in the  
24 schedule for the administration of chs. 5 to 12. All moneys received from fees imposed  
25 under s. ~~11.055~~ (1) 11.0102 (2) shall be credited to this appropriation account.



**ENGROSSED ASSEMBLY BILL 387**

1           **SECTION 57.** 20.511 (1) (j) of the statutes is amended to read:

2           20.511 (1) (j) *Electronic filing software.* All moneys received from registrants  
3 who purchase software to be utilized for electronic filing of campaign finance reports  
4 under s. ~~11.21 (16)~~ 11.1304 (6), for the purpose of providing that software.

5           **SECTION 58.** 20.855 (6) (h) of the statutes is amended to read:

6           20.855 (6) (h) *Vehicle and aircraft receipts.* The amounts in the schedule for  
7 the purpose of subsidizing the cost of operation, maintenance, and depreciation of the  
8 vehicles and aircraft. All moneys received by state agencies under ss. ~~11.37~~ 11.1206  
9 and 20.916 (7) for political and other personal uses of state-owned vehicles and  
10 aircraft shall be credited to this appropriation. The department of administration  
11 may transfer moneys from this appropriation to the proper appropriation of any state  
12 agency from which state vehicle and aircraft costs are financed.

13           **SECTION 59.** 36.11 (1) (cm) of the statutes is amended to read:

14           36.11 (1) (cm) The board shall promulgate rules under ch. 227 prescribing the  
15 times, places, and manner in which political literature may be distributed and  
16 political campaigning may be conducted in state-owned residence halls. No such  
17 rule may authorize any activity prohibited under s. ~~11.36 (3)~~ 11.1207 (3) or (4).

18           **SECTION 60.** 111.365 (3) (a) of the statutes is amended to read:

19           111.365 (3) (a) The application of s. ~~11.36~~ 11.1207.

20           **SECTION 61.** 120.06 (6) (b) 5. of the statutes is amended to read:

21           120.06 (6) (b) 5. If a candidate has not filed a registration statement under s.  
22 ~~11.05~~ 11.0202 (1) (a) by the time he or she files a declaration of candidacy, the  
23 candidate shall file the statement with the declaration. A candidate shall file an  
24 amended declaration under oath with the school district clerk in the event of a  
25 change in any information provided in the declaration as provided in s. 8.21.

**ENGROSSED ASSEMBLY BILL 387****SECTION 62**

1           **SECTION 62.** 185.03 (10) (e) of the statutes is amended to read:

2           185.03 (10) (e) The cooperative dedicates any funds remaining unclaimed after  
3 the date specified in par. (b) to educational purposes, limited to providing  
4 scholarships or loans to students, or to charitable purposes, as the board determines,  
5 within one year after the date the funds are declared forfeited under par. (a). ~~In this~~  
6 ~~paragraph, educational purposes does not include political purposes as defined in s.~~  
7 ~~11.01 (16).~~

8           **SECTION 63.** 202.12 (5) (a) 2. of the statutes is amended to read:

9           202.12 (5) (a) 2. A candidate for national, state, or local office or a political party  
10 or other committee or group required to file financial information with the federal  
11 elections commission or a filing officer under s. ~~11.02~~ 11.0102 (1).

12           **SECTION 64.** 341.14 (6r) (fm) 1. b. of the statutes is amended to read:

13           341.14 (6r) (fm) 1. b. The group or organization is not a ~~political committee, as~~  
14 ~~defined in s. 11.01 (4), or a political group, as defined in s. 11.01 (10)~~ 11.0101 (6).

15           **SECTION 65.** 346.94 (16) (b) 2. of the statutes is amended to read:

16           346.94 (16) (b) 2. The operator of a vehicle of a public utility, ~~as defined in s.~~  
17 ~~11.40 (1) (a).~~ In this paragraph, public utility means any corporation, company,  
18 individual, or association which furnishes products or services to the public, and  
19 which is regulated under ch. 195 or 196, including railroads, telecommunications or  
20 telegraph companies and any company furnishing or producing heat, light, power or  
21 water.

22           **SECTION 66.** 349.135 (2) (b) of the statutes is amended to read:

23           349.135 (2) (b) The operator of a vehicle of a public utility, ~~as defined in s. 11.40~~  
24 ~~(1) (a).~~ In this paragraph, public utility means any corporation, company, individual  
25 or association which furnishes products or services to the public, and which is

**ENGROSSED ASSEMBLY BILL 387**

1 regulated under ch. 195 or 196, including railroads, telecommunications or  
2 telegraph companies and any company furnishing or producing heat, light, power or  
3 water.

4 **SECTION 67.** 563.907 (3) (b) of the statutes is amended to read:

5 563.907 (3) (b) A political party, as defined in s. 5.02 (13), except a state  
6 committee political party registered under ~~s. 11.05~~ and ~~organized exclusively for~~  
7 ~~political purposes~~ subch. III of ch. 11 under whose name candidates appear on a  
8 ballot at any election.

9 **SECTION 68.** 630.05 (intro.) of the statutes is amended to read:

10 **630.05 Political contributions.** (intro.) Section ~~11.38~~ 11.1112 applies to:

11 **SECTION 69.** 755.01 (4) of the statutes is amended to read:

12 755.01 (4) Two or more cities, towns or villages of this state may enter into an  
13 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),  
14 except that for purposes of this subsection, any agreement under s. 66.0301 shall be  
15 effected by the enactment of identical ordinances by each affected city, town or  
16 village. Electors of each municipality entering into the agreement shall be eligible  
17 to vote for the judge of the municipal court so established. If a municipality enters  
18 into an agreement with a municipality that already has a municipal court, the  
19 municipalities may provide by ordinance or resolution that the judge for the existing  
20 municipal court shall serve as the judge for the joint court until the end of the term  
21 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt  
22 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The  
23 contracting municipalities need not be contiguous and need not all be in the same  
24 county. Upon entering into or discontinuing such an agreement, the contracting  
25 municipalities shall each transmit a certified copy of the ordinance or bylaw effecting

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1 or discontinuing the agreement to the appropriate filing officer under s. ~~11.02~~ (3e)  
2 11.0102 (1) (c) and to the director of state courts. When a municipal judge is elected  
3 under this subsection, candidates shall be nominated by filing nomination papers  
4 under s. 8.10 (6) (bm), and shall register with the filing officer specified in s. ~~11.02~~  
5 (3e).

6 **SECTION 70.** 758.13 (3) (g) 1. a. of the statutes is amended to read:

7 758.13 (3) (g) 1. a. “Candidate” has the meaning given in s. ~~11.01~~ 11.0101 (1).

8 **SECTION 71.** 758.13 (3) (g) 1. b. of the statutes is amended to read:

9 758.13 (3) (g) 1. b. “Contribution” has the meaning given in s. ~~11.01(6)~~ 11.0101  
10 (8).

11 **SECTION 72.** 946.11 (2) (b) of the statutes is renumbered 946.11 (2) (b) (intro.)  
12 and amended to read:

13 946.11 (2) (b) (intro.) “Privilege” ~~has the meaning designated under s. 11.40;~~  
14 means anything of value not available to the general public, but does not include  
15 compensation or fringe benefits provided as a result of employment by a public utility  
16 to a regular employee or pensioner when the following conditions are satisfied:

17 **SECTION 73.** 946.11 (2) (b) 1. and 2. of the statutes are created to read:

18 946.11 (2) (b) 1. The regular employee or pensioner is not compensated  
19 specifically for services performed for a purpose related to the election or nomination  
20 for election of an individual to state or local office, the recall from or retention in office  
21 of an individual holding a state or local office, or for the purpose of payment of  
22 expenses incurred as a result of a recount at an election.

23 2. The regular employee or pensioner is not compensated in excess of that  
24 provided to other regular employees or pensioners of like status.

25 **SECTION 74. Nonstatutory provisions.**



2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3662/lins  
JK&TKK:all

Insert A - 1

*Insert CCC language*

***Engrossment information:***

The text of Engrossed 2015 Assembly Bill 387, as passed by the assembly on October 21, 2015, consists of the following documents adopted in the assembly on October 21, 2015: the bill as affected by Assembly Amendment 1 and Assembly Amendment 11. *The text also includes the October 23, 2015, chief clerk's*  
***Content of Engrossed 2015 Assembly Bill 387*** *corrections to the assembly*

Insert A - 2

*bill.*

or that uses more than 50 percent of its total spending in a 12-month period on expenditures for express advocacy, expenditures made to support or defeat a referendum, and contributions made to a candidate committee, legislative campaign committee, or political party

Insert A - 3

or that uses more than 50 percent of its total spending in a 12-month period on independent expenditures and expenditures made to support or defeat a referendum

Insert A - 4

13. Contributions to an independent expenditure committee.