

1987 Assembly Bill 299

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1987 Wisconsin Act 370

AN ACT to repeal 11.06 (11) (am), 11.22 (7), 11.25 (2) (c), 11.31 (9) and 11.315; to renumber and amend 11.06 (7), 11.06 (7m) and 11.33 (1); to amend 11.01 (6) (a) 3 and 7 and (7) (a) 3 and 4, 11.01 (11) and (16) (intro.), (a) 1 and (b), 11.05 (1) and (3) (n), 11.05 (9) (b), 11.06 (1) (intro.), (a), (b) and (f), 11.06 (1) (g) and (2), 11.06 (7) (title), 11.06 (7m) (title), 11.06 (11) (a), 11.06 (12) (a) 1, 11.12 (title), 11.12 (4) and (5), 11.20 (2), 11.20 (4m), 11.21 (1), (2), (3), (14) and (15), 11.22 (intro.), (1) and (3), 11.22 (9), 11.23 (1) and (6), 11.26 (1) (a), (4), (8) (a), (9) (b) and (10), 11.26 (16), 11.31 (1) (a) to (fm), 11.31 (1) (g) 1. a to c, 2 and 3. a to d, 11.31 (1) (h) and (2), 11.31 (2m), (3), (3m) and (6), 11.31 (10), 11.38 (1) (a) 2, 11.38 (8) (a) and (b), 11.50 (2) (a), (b) 5 and (g), 11.50 (9) and (10m), 11.50 (12) and 11.64; to repeal and recreate 11.17; and to create 11.01 (18m), 11.06 (3m), (3r) and (3w), 11.06 (7) (b), 11.06 (7m) (c), 11.20 (2m) and (3) (bm), 11.20 (8) (e), 11.30 (2) (fm), 11.33 (1) (a) 2 to 4, 11.33 (2) (c) and 11.36 (6) of the statutes, relating to various changes in the campaign finance law and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1r. 11.01 (6) (a) 3 and 7 and (7) (a) 3 and 4 of the statutes are amended to read:

11.01 (6) (a) 3. A contract, promise or agreement, if legally enforceable, to make a ~~contribution for any such purpose under subd. 1~~ gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a commercial lending institution in accordance with applicable laws and regulations in the ordinary course of business) for a political purpose.

7. A ~~purchase, payment, distribution gift, subscription, loan, advance, or deposit or gift of money or anything of value (except a loan of money by a commercial lending institution made by the institution in accordance with applicable laws and regulations in the ordinary course of business), or a contract, promise or agreement, if legally enforceable, to make the same, made by a committee for a purpose authorized under s. 11.25 (2) (b) or (e), or by an individual for a purpose authorized under s. 11.25 (2) (b) or (e) if deposited in a campaign depository account.~~

(7) (a) 3. A contract, promise, or agreement, if legally enforceable, to make a ~~disbursement for any purpose under subd. 1~~ purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value (except a loan of money by a commercial lending institution in accordance with applicable laws and regulations in the ordinary course of business) for a political purpose.

4. An expenditure ~~made from a campaign depository account~~ authorized under s. 11.25 (2) (b) ~~or (e)~~ made from a campaign depository account.

SECTION 2. 11.01 (11) and (16) (intro.), (a) 1 and (b) of the statutes are amended to read:

11.01 (11) "Incurred obligation" means every express obligation to make any contribution or disbursement including ~~all loans, indorsements, under-~~

~~takings and guarantees of obligations or payments every loan, guarantee of a loan or other obligation or payment~~ for any goods, or for any services which have been performed or are to be performed in the future, incurred by a candidate, committee, individual or group for political purposes.

(16) (intro.) An act is for "political purposes" when it is done for the purpose of influencing the election or nomination for election of any individual to state or local office, for the purpose of influencing the recall from or retention in office of an individual holding a state or local office, for the purpose of payment of expenses incurred as a result of a recount at an election, or for the purpose of influencing the outcome of any a particular vote at a referendum. In the case of a candidate, or a committee or group which is organized primarily for the purpose of influencing the election or nomination for election of any individual to state or local office, for the purpose of influencing the recall from or retention in office of an individual holding a state or local office, or for the purpose of influencing ~~the outcome of any a particular vote at a referendum,~~ all administrative and overhead expenses for the maintenance of an office or staff which are used principally for any such purpose are deemed to be for a political purpose.

(a) 1. The making of a communication which expressly advocates the election, defeat, recall or retention of a clearly identified candidate or ~~the passage or defeat of a particular vote at a referendum.~~

(b) A "political purpose" does not include expenditures ~~for defense attorney's fees and other legal fees, costs and expenses, or payments made for the purpose of supporting any or defending a person subject to who is being investigated for, charged with or convicted of a criminal prosecution for violation of state or federal law, or for any an agent or dependent of such a person.~~

SECTION 3. 11.01 (18m) of the statutes is created to read:

11.01 (18m) "Registrant" means an individual or organization registered under s. 11.05 with a filing officer.

SECTION 4. 11.05 (1) and (3) (n) of the statutes are amended to read:

11.05 (1) COMMITTEES AND GROUPS. Every ~~political party committee, every other political~~ committee other than a personal campaign committee, and every political group subject to registration under s. 11.23 which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a statement with the appropriate filing officer giving the information required by sub. (3). In the case of any committee other than a personal campaign committee, the statement shall be filed by the treasurer. A personal campaign committee shall register under sub. (2g) or (2r).

(3) (n) In the case of a labor organization ~~or~~ separate segregated fund under s. 11.38 (1) (a) 2 ~~created or~~ conduit established by a labor organization, a statement as to whether the organization is incorporated, and if so, the date of incorporation and whether or not such incorporation is under ch. 181.

SECTION 5. 11.05 (9) (b) of the statutes is amended to read:

11.05 (9) (b) An individual who or a committee or group which receives a contribution and transfers the contribution to another individual, committee or group while acting as a conduit is not subject to registration under this section unless the individual, committee or group transfers the contribution to a candidate; or a personal campaign committee, legislative campaign committee or political party or support committee.

SECTION 6. 11.06 (1) (intro.), (a), (b) and (f) of the statutes are amended to read:

11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in ~~sub. subs. (2), (3) and (3m)~~ and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full reports, upon a form prescribed by the board and signed by the appropriate individual under sub. (5), of all contributions received, contributions or disbursements made, and obligations incurred. Each report shall contain the following information, covering the period since the last date covered on the previous report, unless otherwise provided:

(a) An itemized statement giving the date, full name and street address of each contributor who has made a contribution in excess of \$20, or whose contribution if \$20 or less aggregates more than \$20 for the calendar year, together with the amount of the contribution; and the cumulative total contributions made by that contributor for the calendar year and in the case of an in-kind contribution of \$50 or more, a brief description of the material or benefit provided.

(b) The occupation and name and address of the principal place of ~~business employment~~, if any, of each individual contributor whose cumulative contributions for the calendar year are in excess of \$100, ~~except as provided in sub. (11).~~

(f) An itemized statement of each loan of money ~~made by a commercial lending institution to the registrant for a political purpose~~ in an aggregate amount or value in excess of \$20 ~~which is not reported as a contribution~~, together with the full name and mailing address of the lender ~~and endorser, if any, and; a statement of whether the lender is a commercial lending institution~~; the date and amount of ~~such the~~ loan; the full name and mailing address of each guarantor, if any; the original amount guaranteed by each guarantor; and the balance of the amount guaranteed by each guarantor at the end of the reporting period.

SECTION 7. 11.06 (1) (g) and (2) of the statutes are amended to read:

11.06 (1) (g) An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person ~~or business~~ to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

(2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate or by a committee or group which is not primarily organized for political purposes, and the disbursement does not constitute a contribution to any candidate or other individual, committee or group, the disbursement or obligation is required to be reported only if the purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum. The exemption provided by this subsection shall in no case be construed to apply to a political party ~~committee or to a~~ legislative campaign, personal campaign or support committee.

SECTION 8. 11.06 (3m), (3r) and (3w) of the statutes are created to read:

11.06 (3m) FEDERAL CANDIDATE COMMITTEE REPORTING. (a) In this subsection, "federal candidate committee" means an authorized committee of a candidate for the U.S. senate or house of representatives from this state designated by the candidate under 2 USC 432 (e).

(b) As provided in s. 11.05 (1) and (2g), a federal candidate committee shall file a registration statement with the appropriate filing officer if required by s. 11.05 (1) or (2g).

(c) Notwithstanding sub. (1), a federal candidate committee need not file any reports with the appropriate filing officer under s. 11.20 for any period covered in a report filed with the federal election commission if the board receives a copy of that report.

(3r) STATE-FEDERAL POLITICAL PARTY REPORTING. (a) In this subsection, "federal account committee" means a committee of a state political party organization which makes contributions to candidates for national office and is registered with the federal election commission.

(b) As provided in s. 11.05 (1), a federal account committee shall file a registration statement with the appropriate filing officer if required by s. 11.05 (1).

(c) Notwithstanding sub. (1), a federal account committee which makes contributions to a state political party committee need not file reports with the appropriate filing officer under s. 11.20 for any period covered in a report filed with the federal election commission if the board receives a copy of that report and the federal account committee makes no contributions to any other committee which or individual who is required to register under s. 11.05 (1), (2) or (2g).

(3w) NATIONAL POLITICAL PARTY REPORTING. (a) In this subsection, "national political party committee" means a national committee as defined in 2 USC 431 (14).

(b) As provided in s. 11.05 (1), a national political party committee shall file a registration statement with the appropriate filing officer if required by s. 11.05 (1).

(c) Notwithstanding sub. (1), a national political party committee need not file reports with the appropriate filing officer under s. 11.20 for any period covered in a report filed with the federal election commission.

SECTION 9. 11.06 (7) (title) of the statutes is amended to read:

11.06 (7) (title) OATH FOR INDEPENDENT DISBURSEMENTS.

SECTION 10. 11.06 (7) of the statutes is renumbered 11.06 (7) (a) and amended to read:

11.06 (7) (a) Every committee, other than a personal campaign committee, which and every individual, other than a candidate who desires to make disbursements during any calendar year, which are to be used to advocate the election or defeat of any clearly identified candidate or candidates in any election shall before making any disbursement, except within the amount authorized under s. 11.05 (1) or (2), file with the registration statement under s. 11.05 a statement under oath affirming that the ~~individual or committee~~ individual or committee does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported ~~or opposed, and,~~ that the ~~individual or committee or individual~~ individual does not act in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported ~~or opposed,~~ that the committee or individual does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who benefits from a disbursement made in opposition to a candidate, and that the committee or

individual does not act in concert with, or at the request or suggestion of, any candidate or agent or authorized committee of a candidate who benefits from a disbursement made in opposition to a candidate. A committee which or individual who acts independently of one or more candidates or agents or authorized committees of candidates and also in cooperation or upon consultation with, in concert with, or at the request or suggestion of one or more candidates or agents or authorized committees of candidates shall indicate in the oath the names of the candidate or candidates to which it applies.

(c) Any ~~person~~ individual who ~~or committee which~~ falsely makes such an oath under par. (a), or any individual, committee or agent of a an individual or committee who or which carries on any activities with intent to violate ~~such an oath under par. (a)~~ such an oath under par. (a) is guilty of a violation of this chapter.

SECTION 11. 11.06 (7) (b) of the statutes is created to read:

11.06 (7) (b) A committee or individual required to file an oath under this subsection shall file the oath at the time of registration under s. 11.05 or the time the committee or individual becomes subject to this subsection, whichever is later. The committee or individual shall file an amendment to the oath whenever there is a change in the candidate or candidates to whom it applies. A committee or individual shall refile the oath for each calendar year in which the committee or individual proposes to make disbursements specified in this subsection, no later than January 31 of that calendar year.

SECTION 12. 11.06 (7m) (title) of the statutes is amended to read:

11.06 (7m) (title) INDEPENDENT DISBURSEMENTS; CHANGE IN STATUS.

SECTION 13. 11.06 (7m) of the statutes is renumbered 11.06 (7m) (a) and amended to read:

11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political party committee or legislative campaign committee supporting candidates of a political party files an oath under sub. (7) affirming that it does not act in cooperation or consultation with any candidate who is nominated to appear on the party ballot of the party at a general or special election, ~~and that~~ that the committee does not act in concert with, or at the request or suggestion of, such a candidate, that the committee does not act in cooperation or consultation with such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, and that the committee does not act in concert with, or at the request or suggestion of, such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, the committee filing the oath may not make any contributions in support of any candidate of the party at the general or special election or in opposition to any such candi-

date's opponents exceeding the amounts specified in s. 11.26 (2), except as authorized in par. (c).

(b) If the committee has already made contributions in excess of the amounts specified in s. 11.26 (2) at the time it files ~~the~~ an oath under sub. (7), each candidate to whom contributions are made shall promptly return a sufficient amount of contributions to bring the committee in compliance with this subsection and the committee may not make any additional contributions in violation of this subsection.

SECTION 14. 11.06 (7m) (c) of the statutes is created to read:

11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change its status to a political party committee or legislative campaign committee may do so as of December 31 of any even-numbered year. Section 11.26 does not apply to contributions received by such a committee prior to the date of the change. Such a committee may change its status at other times only by filing a termination statement under s. 11.19 (1) and reregistering as a newly organized committee under s. 11.05.

SECTION 14m. 11.06 (11) (a) of the statutes is amended to read:

11.06 (11) (a) A conduit transferring a contribution shall, in writing, identify itself to the transferee as a conduit and report to the transferee of each contribution transferred by it the information about the original contributor required for reporting purposes under sub. (1) (a) and (b) at the time the contribution is transferred. ~~In addition, the conduit shall report to the transferee the occupation and principal place of employment, if any, of each original contributor of a contribution transferred by it if the contributor's cumulative contributions for the calendar year are in excess of \$50.~~ The conduit shall include the information in its report under s. 11.12 (5) or 11.20 for the date on which the contribution is received and transferred.

SECTION 15. 11.06 (11) (am) of the statutes is repealed.

SECTION 16. 11.06 (12) (a) 1 of the statutes is amended to read:

11.06 (12) (a) 1. "Election period" means the period between December 1 and the date of the spring election, the period between June 1 and the day of the general election in any even-numbered year or the period between the first day for circulation of nomination papers and the day of a special election for any state office.

SECTION 17. 11.12 (title) of the statutes is amended to read:

11.12 (title) Campaign contributions and disbursements; reports.

SECTION 18. 11.12 (4) and (5) of the statutes are amended to read:

11.12 (4) ~~All~~ Each registrant shall report contributions, disbursements and incurred obligations ~~shall be reported~~ in accordance with s. 11.20. Except as per-

mitted under s. 11.06 (2) ~~and~~, (3) ~~and~~ (3m), each ~~election~~ report shall contain the ~~same~~ information which is required under s. 11.06 (1).

(5) If any contribution or contributions of \$500 or more cumulatively ~~is~~ are received by a candidate for state office or by a committee or individual from a single contributor later than 15 days prior to a primary or election such that it is not included in the preprimary or preelection report submitted under s. 11.20 (3), the treasurer of the committee or the individual receiving the contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the treasurer's or individual's next regular report. For purposes of the reporting requirement under this subsection, only contributions ~~accumulate~~ received during the period beginning with the day after the last date covered on the preprimary or preelection report, and ending with the day before the primary or election need be reported.

SECTION 19. 11.17 of the statutes is repealed and recreated to read:

11.17 Treatment of loan guarantees. (1) If any person guarantees a loan to a registrant made for a political purpose, the person makes a contribution to the registrant and the registrant incurs an obligation to the guarantor. If more than one person guarantees the same loan, the guarantors make contributions to the registrant and the registrant incurs obligations to the guarantors in equal shares, in the proportion that the number of guarantors bears to the total amount guaranteed, unless a different share is specified in the loan instrument.

(2) If a registrant reduces the unpaid balance of a loan to the registrant made for a political purpose by making a repayment to the lender or reimburses a guarantor from whom the lender has collected upon a guarantee, the amount of the guarantor's contribution and the amount of the obligation incurred by the registrant are reduced by the amount of the repayment or reimbursement. If more than one guarantor guarantees the same loan, the amounts of the guarantors' contributions and the amounts of the obligations incurred by the registrant are reduced in equal shares, in the proportion that the number of guarantors bears to the amount repaid or reimbursed, unless a different share is specified in the loan instrument.

(3) If a registrant defaults on a loan that is guaranteed, and the lender collects the amount guaranteed from the guarantor, the guarantor makes a contribution to the registrant and the registrant incurs an obligation to the guarantor in an amount equal to the amount collected by the lender from the guarantor. If more than one guarantor guarantees the same loan, the guarantors make contributions to the registrant and the registrant incurs obligations to the guarantors in equal shares, in the proportion that the number of guarantors bears to the total amount of the unpaid

balance, unless a different share is specified in the loan instrument. If a registrant reports a contribution or incurred obligation in the form of a guarantee under s. 11.06 (1) at the time the guarantee is made, the registrant need not report the same contribution or incurred obligation at the time of a default and collection upon a guarantee.

(4) If a candidate secures a loan for both a political and a nonpolitical purpose, this chapter applies only to the portion of the loan made for a political purpose.

SECTION 20. 11.20 (2) of the statutes is amended to read:

11.20 (2) ~~Election~~ Preprimary and preelection reports under s. ~~11.12~~ 11.06 (1) shall be received by the appropriate filing officer no earlier than 14 days and no later than 8 days preceding the primary and the election.

SECTION 20e. 11.20 (2m) and (3) (bm) of the statutes are created to read:

11.20 (2m) Election reports under s. 11.12 shall be received by the appropriate filing officer no earlier than 23 days and no later than 30 days after each special election, unless a continuing report is required to be filed under sub. (4) on or before the 30th day after the special election.

(3) (bm) A candidate or personal campaign committee of a candidate at a special election shall file a postelection report whenever the report is required to be filed under sub. (2m).

SECTION 20t. 11.20 (4m) of the statutes is amended to read:

11.20 (4m) An individual who or committee which supports or opposes an effort to circulate and file a petition to recall an officer shall file a report with the appropriate filing officer no later than 30 days after registration of the petitioner for recall of the officer under s. 9.10 (2) (d), if the petition has not been ~~filed~~ offered for filing within 5 days of that date, and no later than 5 days after a petition is ~~filed~~ offered for filing demanding the recall of the officer.

SECTION 20x. 11.20 (8) (e) of the statutes is created to read:

11.20 (8) (e) The 22nd day following the special election in the case of the postelection report required under sub. (2m).

SECTION 21. 11.21 (1), (2), (3), (14) and (15) of the statutes are amended to read:

11.21 (1) Prescribe forms for making the reports, statements and notices required by this chapter ~~and furnish such forms to local filing officers for distribution under s. 11.22 (1)~~ . The board shall furnish forms for making reports or statements without charge to all persons who are required to file reports or statements with the board, and shall furnish all forms or statements to other filing officers under s. 16.79 (2).

(2) Furnish to each registrant prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not earlier than 21 days and not

later than 14 days prior to the applicable filing deadline under s. 11.20, and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed the amount specified under s. 11.05 (2r) or to a registrant who has been granted a suspension under s. 11.19 (2). Whenever any notice of filing requirements under this chapter is sent to a candidate's campaign treasurer, the board shall also send a notice to the candidate if he or she has appointed a separate treasurer. Failure to receive any form or notice does not exempt a registrant from compliance with this chapter.

(3) ~~Prepare, and publish, and furnish each person for the use of persons~~ required to file reports and statements with under this chapter a manual setting forth simply and concisely recommended uniform methods of bookkeeping and reporting. ~~Manuals shall also be furnished to local filing officers for distribution under s. 11.22 (1)~~ The board shall furnish a copy of the manual without charge to all persons who are required to file reports or statements with the board, and shall furnish copies of the manual to other filing officers under s. 16.79 (2).

(14) Prepare, publish and periodically revise as necessary, a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of this chapter and ch. 12. ~~The board shall cause the manual to be distributed to election officials, to each candidate for state or local office upon filing nomination papers and to every committee, individual or group upon registering under s. 11.05. Distribution to others shall be made upon request~~ furnish a copy of the manual without charge to all persons who are required to file reports or statements with the board, and shall furnish copies of the manual to other filing officers under s. 16.79 (2).

(15) Inform each candidate who files an application to become eligible to receive a grant from the Wisconsin election campaign fund of the dollar amount of the applicable ~~current~~ disbursement limitation under s. 11.31 which applies to the office for which such person is a candidate. Failure to receive the notice required by this subsection does not constitute a defense to a violation of s. 11.27 (1) or 11.31.

SECTION 22. 11.22 (intro.), (1) and (3) of the statutes are amended to read:

11.22 Duties of local filing officer. (intro.) Each ~~local filing officer, other than the board,~~ shall:

(1) Obtain ~~reporting the forms, and manuals prescribed by the board under s. 11.21 (1), (3) and (14) and election laws provided by the board under ss. s. 7.08 (4) and 11.21 (1), (3) and (14) and make them available to registrants under this chapter, to election officials and to members of the general public.~~ The officer shall furnish forms without charge to all persons who are required to file reports or statements

with the officer, and shall furnish copies of manuals to all persons who are required to file reports or statements with the officer upon request. The officer shall furnish copies of the election laws without charge to all election officials supervised by the officer. The officer shall furnish copies of manuals and laws to other persons at cost.

(3) Furnish to each registrant prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not earlier than 21 days and not later than 14 days prior to the applicable filing deadline under s. 11.20 and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed the amount specified under s. 11.05 (2r) or to a registrant who has been granted a suspension under s. 11.19 (2). Whenever any notice of the filing requirements under this chapter is sent to a candidate's campaign treasurer, the filing officer shall also send a notice to the candidate if he or she has appointed a separate treasurer. Failure to receive any form or notice does not exempt a registrant from compliance with this chapter.

SECTION 23. 11.22 (7) of the statutes is repealed.

SECTION 24. 11.22 (9) of the statutes is amended to read:

11.22 (9) Determine whether each financial report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter. ~~In addition to the notice required by sub. (7), the~~ The officer shall immediately send to any registrant who is delinquent in filing, or who has filed otherwise than in the proper form, a notice that the registrant has failed to comply with this chapter. Whenever a candidate has appointed another person as campaign treasurer, the filing officer shall send the notice to both persons.

SECTION 25. 11.23 (1) and (6) of the statutes are amended to read:

11.23 (1) Any group or individual may promote or oppose a particular vote at any referendum in this state. Before making disbursements, receiving contributions or incurring obligations in excess of \$25 in the aggregate in a calendar year for such purposes, the group or individual shall file a ~~verified~~ registration statement under s. 11.05 (1), (2) or (2r). In the case of a group the name and mailing address of each of its officers shall be given in the statement. Every group and every individual under this section shall designate a campaign depository account under s. 11.14. Every group shall appoint a treasurer, who may delegate authority but is jointly responsible for the actions of his or her authorized designee for purposes of civil liability under this chapter. The appropriate filing officer shall be notified by a group of any change in its treasurer within 10 days of the change under s. 11.05

(5) The treasurer of a group shall certify the correctness of each statement or report submitted by it under this chapter.

(6) If any contribution or contributions of \$500 or more cumulatively ~~is~~ are received by a group or individual supporting or opposing the adoption of a referendum question from a single contributor later than 15 days prior to an election such that it is not included in the preprimary or preelection report submitted under s. 11.20 (3), the treasurer of the group or the individual receiving the contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the treasurer's or individual's next regular report. For purposes of the reporting requirement under this subsection, only contributions ~~accumulate~~ received during the period beginning with the day after the last date covered on the preelection report, and ending with the day before the election need be reported.

SECTION 26. 11.25 (2) (c) of the statutes is repealed.

SECTION 27. 11.26 (1) (a), (4), (8) (a), (9) (b) and (10) of the statutes are amended to read:

11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction ~~and~~ or justice of the supreme court, \$10,000.

(4) No individual may make any contribution or contributions to all candidates for state and local offices and to any individuals who or committees ~~acting in support of or in opposition to such candidates who~~ which are subject to a registration requirement under s. 11.05, including legislative campaign committees and committees of a political party, to the extent of more than a total of \$10,000 in any calendar year.

(8) (a) No political party as defined in s. 5.02 (13) may receive more than a total of ~~\$75,000~~ \$150,000 in value of its contributions in any ~~calendar year~~ biennium from all other committees, excluding contributions from legislative campaign committees and transfers between party committees of the party. In this paragraph, a biennium commences with January 1 of each odd-numbered year and ends with December 31 of each even-numbered year.

(9) (b) No individual who is a candidate for state or local office may receive and accept more than 45% of the value of the total disbursement level determined under s. 11.31 for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party and legislative campaign committees subject to a filing requirement.

(10) ~~Except as authorized in s. 11.50 (2) (i), no~~ No candidate for state office who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund ~~and who receives and accepts~~

~~any such grant~~ may make contributions of more than 200% of the amounts specified in sub. (1) to the candidate's own campaign from the candidate's personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies. For purposes of this subsection, any contribution received by a candidate or his or her personal campaign committee from a committee which is registered with the federal elections commission as the authorized committee of the candidate under 2 USC 432 (c) shall be treated as a contribution made by the candidate to his or her own campaign. The contribution limit of sub. (4) applies to amounts contributed by such a candidate personally to the candidate's own campaign and to other campaigns, except that a candidate may exceed the limitation if authorized under this subsection to contribute more than the amount specified to the candidate's own campaign, up to the amount of the limitation.

SECTION 29. 11.26 (16) of the statutes is amended to read:

11.26 (16) Contributions constituting surplus materials acquired in connection with a previous campaign of a registrant ~~for or against the same candidate, candidates or party in connection with which the materials are utilized~~ candidate are not subject to limitation by this section, if the materials were previously reported as a contribution by that ~~registrant~~ candidate.

SECTION 29m. 11.30 (2) (fm) of the statutes is created to read:

11.30 (2) (fm) This subsection does not apply to communications printed on pins, buttons, pens, balloons, nail files and similar small items on which the information required by this subsection cannot be conveniently printed. The board may, by rule, specify small items not mentioned in this paragraph to which this subsection shall not apply.

SECTION 30. 11.31 (1) (a) to (fm) of the statutes are amended to read:

11.31 (1) (a) Candidates for governor, ~~\$150,000 in the primary, and \$350,000 in the election~~ \$1,078,200.

(b) Candidates for lieutenant governor, ~~\$100,000 in the primary, and \$50,000 in the election~~ \$323,475.

(c) Candidates for attorney general, ~~\$125,000 in the primary, and \$125,000 in the general election~~ \$539,000.

(d) Candidates for secretary of state, state treasurer, justice or state superintendent, ~~\$40,000 in the primary and \$60,000 in the election~~ \$215,625.

(dm) Candidates for court of appeals judge, ~~\$15,000 in the primary, and \$25,000 in the election~~ \$86,250.

(e) Candidates for state senator, ~~\$16,000~~ \$34,500 total in the primary and election, with disbursements

not exceeding ~~\$10,000~~ \$21,575 for either the primary or the election.

(f) Candidates for representative to the assembly, ~~\$8,000~~ \$17,250 total in the primary and election, with disbursements not exceeding ~~\$5,000~~ \$10,775 for either the primary or the election.

(fm) Candidates for circuit judge, ~~\$40,000~~ \$86,250.

SECTION 30c. 11.31 (1) (g) 1. a to c, 2 and 3. a to d of the statutes are amended to read:

11.31 (1) (g) 1. a. Candidates for county executive, ~~\$125,000~~ \$269,500.

b. Candidates for district attorney, ~~\$75,000~~ \$161,725.

c. Candidates for county supervisor, ~~\$8,000~~ \$17,250.

2. Candidates for any countywide elective office not specified in par. (dm) or (fm) or subd. 1, ~~\$50,000~~ \$107,825.

3. a. Candidates for mayor, ~~\$125,000~~ \$269,550.

b. Candidates for city attorney, ~~\$75,000~~ \$161,725.

c. Candidates for any other city-wide office, ~~\$50,000~~ \$107,825.

d. Candidates for alderman, ~~\$8,000~~ \$17,250.

SECTION 30g. 11.31 (1) (h) and (2) of the statutes are amended to read:

11.31 (1) (h) Candidates for any local office, who are elected from a jurisdiction or district with less than 500,000 inhabitants according to the latest federal census or census information on which the district is based, as certified by the appropriate filing officer, an amount equal to the greater of 1) ~~\$500~~ \$1,075; or 2) ~~one-fourth~~ 53.91% of the annual salary for the office sought, ~~rounded to the nearest multiple of \$25~~; or 3) ~~45~~ 32.35 cents per inhabitant of the jurisdiction or district, but in no event more than ~~\$20,000~~ \$43,125.

(2) LIMITATION IMPOSED. ~~Except as authorized in s. 11.50 (2) (i), no~~ No candidate for state office at a spring or general election who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund ~~and who receives and accepts any such grant~~ may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the amounts prescribed under subs. (1) and (9). ~~Except as authorized in s. 11.50 (2) (i), no amount prescribed in sub. (1), unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies.~~ No candidate for state office at a special election who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund ~~and who receives and accepts any such grant~~ may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the ~~amounts prescribed under subs. (1) and (9)~~ amount prescribed under sub. (1) for the preceding spring or general election for the same office. ~~The lim-~~

~~itations upon authorized disbursements prescribed under subs. (1) and (9) apply equally to all candidates for the same office, regardless of whether a candidate is opposed at a primary or election, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies.~~

SECTION 30n. 11.31 (2m), (3), (3m) and (6) of the statutes are amended to read:

11.31 (2m) VOLUNTARY LIMITATION. Any candidate to whom sub. (2) and s. 11.26 (10) do not apply may file an affidavit with his or her filing officer affirming that he or she has adhered and will adhere to the limitations imposed under sub. (2) and s. 11.26 during the entire campaign. These limitations apply unless the candidate withdraws the affidavit by notifying his or her filing officer in writing no later than the 7th day after the date of the primary in which the person filing the affidavit is a candidate, or the 7th day after the date that the primary would be held, if no primary is required.

(3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the limitations imposed under sub. (2), candidates for governor and lieutenant governor of the same political party who both accept grants from the Wisconsin election campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b) ~~in the general election and reallocate the total level between them. If separate limitations do not apply to all candidates for both governor and lieutenant governor under sub. (3m), the candidates of the same party in the general election may reallocate the remaining authorized disbursement levels between them after the date of the primary election.~~ The candidates shall each inform the board of any such agreement.

(3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and (2), if all candidates for ~~an~~ office state senator or representative to the assembly in a legislative district who are certified under s. 7.08 (2) (a) to appear on the September primary ballot of all parties recognized under s. 5.62 (1) (b) or (2) have no opponent who is certified to appear on the same primary ballot, or if no primary is required for all candidates of parties recognized under s. 5.62 (1) (b) or (2) for ~~an office state senator or representative to the assembly in a legislative district~~ who are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then the separate limitation specified in sub. (1) for disbursements during the primary and election period does not apply to candidates for that office in that primary and election, and the candidates are bound only by the total limitations specified for the primary and election.

(6) EXCLUSIONS. In computing the limitations under this section an individual or campaign treasurer may exclude any contributions returned to the contributor; any loan repayments made; any inaugural expenses paid from the campaign depository account under s. 11.25 (2) (b); any expenses incurred as a result

of a recount expenses paid from the campaign depository account under s. 11.25 (2) (e); all federal, state or local taxes paid; any reimbursement made to a candidate for the candidate's travel expenses; the gross receipts from the sale at an auction of any materials contributed to a candidate and reported by the candidate as a disbursement at the time the contribution is made; all refunds or deposits paid; and the cost of facilities rental, entertainment expense, food and beverages (including the preparation and service thereof if contracted to an outside agency), if utilized for a meal, sale, rally or similar fund raising effort or program which is intended for political purposes. Any such exclusion claimed shall be reported to the appropriate filing officer in such form as the board may require.

SECTION 30r. 11.31 (9) of the statutes is repealed.

SECTION 30w. 11.31 (10) of the statutes is amended to read:

11.31 (10) SURPLUS MATERIALS EXCLUDED. Disbursements constituting surplus materials acquired in connection with a previous campaign of ~~the registrant for or against the same candidate or candidates in connection with which the materials are utilized a candidate~~ are not subject to limitation by this section, if the materials were previously reported as a disbursement by that ~~registrant~~ candidate.

SECTION 31. 11.315 of the statutes is repealed.

SECTION 32. 11.33 (1) of the statutes is renumbered 11.33 (1) (a) (intro.) and amended to read:

11.33 (1) (a) (intro.) No person elected to state or local office who becomes a candidate for national, state or local office may use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material distributed after:

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

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

SECTION 33. 11.33 (1) (a) 2 to 4 of the statutes are created to read:

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

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

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

SECTION 34. 11.33 (2) (c) of the statutes is created to read:

11.33 (2) (c) Actions taken by a state or local government administrative officer pursuant to a specific

law, ordinance or resolution which authorizes or directs the actions to be taken.

SECTION 35. 11.36 (6) of the statutes is created to read:

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

SECTION 36. 11.38 (1) (a) 2 of the statutes is amended to read:

11.38 (1) (a) 2. Notwithstanding subd. 1, any such corporation or association may establish and administer a separate segregated fund and solicit contributions from individuals to ~~such~~ the fund to be utilized by such corporation or association, for the purpose of supporting or opposing any candidate for state or local office but the corporation or association may not make any contribution to ~~such~~ the fund. The fund shall appoint a treasurer and shall register as a political committee under s. 11.05. A parent corporation or association engaging solely in this activity is not subject to registration under s. 11.05, but shall register and file special reports on forms prescribed by the board disclosing its administrative and solicitation expenses on behalf of such fund. A corporation not domiciled in this state need report only its expenses for administration and solicitation of contributions in this state together with a statement indicating where information concerning other administration and solicitation expenses of its fund may be obtained. The reports shall be filed with the filing officer for the fund specified in s. 11.02 in the manner in which continuing reports are filed under s. 11.20 (4) and (8). A

3. No corporation or association specified in subd. 1 may not expend more than a combined total of \$500 annually for solicitation of contributions to a fund established under this subdivision subd. 2 or to a conduit.

SECTION 37. 11.38 (8) (a) and (b) of the statutes are amended to read:

11.38 (8) (a) A corporation or association organized under ch. 185 which ~~makes or~~ accepts contributions or makes disbursements for the purpose of influencing the outcome of a referendum is a political group and shall comply with s. 11.23 and other applicable provisions of this chapter.

(b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any ~~contribution to or~~ disbursement on behalf of a political group which is ~~expressly advocating the adoption or rejection of~~ promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any ~~direct~~ disbursement to ~~expressly advocate adoption or rejection of~~ promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 shall register with the appropriate filing officer

specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file periodic reports under s. 11.20 providing the information required under s. 11.06 (1).

SECTION 38. 11.50 (2) (a), (b) 5 and (g) of the statutes are amended to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m. on the 7th day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with the limitations at all times to which the limitations apply to his or her candidacy for the office in contest, ~~except as authorized in~~ unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under par. (h), or par. (i) applies.

(b) 5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that the candidate has received at least the amount provided in this subdivision, from contributions of money, other than loans, made by individuals, other than loans, which have been received during the period ending on the date of the spring primary and July 1 preceding such date in the case of candidates at the spring election, or the date of the September primary and January 1 preceding such date in the case of candidates at the general election, or the date ~~of a~~ that a special election primary will or would be held, if required, and 90 days preceding such date in the case of special election candidates, which contributions are in the aggregate amount of \$100 or less, and which are fully identified and itemized as to the exact source thereof. A contribution received from a conduit which is identified by the conduit as originating from an individual shall be considered a contribution made by the individual. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For a candidate at the spring or general election for an office identified in s. 11.26 (1) (a) or a

candidate at a special election, the required amount to qualify for a grant is 5% of the candidate's authorized disbursement limitation under s. 11.31. For any other candidate at the general election, the required amount to qualify for a grant is 10% of the candidate's authorized disbursement limitation under s. 11.31.

(g) ~~An eligible~~ A candidate who voluntarily files an application to receive a grant in accordance with this subsection accepts and agrees to comply with the contribution limitations prescribed in s. 11.26 and the disbursement limitations imposed under s. 11.31 as binding upon himself or herself and his or her agents during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant under this section, ~~except as authorized in~~ unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws the application under par. (h), or par. (i) applies.

SECTION 38s. 11.50 (9) and (10m) of the statutes are amended to read:

11.50 (9) **LIMITATION ON GRANTS.** The total grant available to an eligible candidate may not exceed that amount which, when added to all other contributions accepted from sources other than individuals ~~and~~ political party committees and legislative campaign committees of a political party, is equal to 45% of the disbursement level specified for the applicable office under s. 11.31. The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

(10m) **RETURN OF GRANTS.** An individual who receives ~~and accepts~~ a grant prior to an election in which he or she is a candidate and who desires to return any portion of the grant shall return that portion no later than the 2nd Tuesday in October preceding a general election, the 4th Tuesday preceding a spring election or the 3rd Tuesday preceding a special election. A candidate who returns all or any portion of a grant under this subsection remains bound by the candidate's statement filed under sub. (2) (a).

SECTION 38x. 11.50 (12) of the statutes is amended to read:

11.50 (12) **PROOF OF PAYMENT.** No later than the next due date for continuing reports under s. 11.20 (4)

which occurs at least 30 days after an election in which a candidate receives a grant, or no later than 30 days after each special election in which a candidate receives a grant, whichever is earlier, the candidate or his or her campaign treasurer shall deliver or transmit to the board by 1st class mail, sufficient proof of payment for all disbursements made from grants distributed under this section. This subsection does not restrict the authority of the board to audit records under ss. 5.05 (2) and 13.94 (1) (k).

SECTION 39. 11.64 of the statutes is amended to read:

11.64 Defense fund authorized. (1) Any candidate or public official who is being investigated for, charged with or being investigated for convicted of a criminal violation of this chapter or ch. 12, or whose agent is so charged or investigated, charged or convicted, may establish a defense fund for legal expenses, costs, fees and payments expenditures supporting agents or dependents of persons accused or defending the candidate or agent, or any dependent of the candidate or agent, while that person is being investigated for, or while the person is charged with or convicted of a criminal violation of this chapter or ch. 12.

(2) No person may utilize a contribution received from a contributor to a campaign fund for a purpose for which a defense fund is authorized under sub. (1) unless the authorization of the contributor is obtained. Notwithstanding s. 11.25 (2) (a), any contributor may authorize the transfer of all or part of a contribution from a campaign fund to a defense fund.

SECTION 40. **Initial applicability.** (1) The treatment of sections 11.01 (6) (a) 3 and 7, (7) (a) 3, (11) and (18m), 11.06 (1) (f) and 11.17 of the statutes first applies with respect to loans made or guaranteed on the effective date of this subsection.

(1m) The treatment of section 11.26 (8) (a) of the statutes first applies to the biennium commencing on January 1, 1989.

(2) The treatment of section 11.50 (2) (b) 5 of the statutes applies to grant qualification periods under section 11.50 (2) (b) 5 of the statutes, as affected by this act, which begin on and after the effective date of this subsection.