

State of Wisconsin



2013 Senate Bill 655

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2013 WISCONSIN ACT 153

AN ACT *to amend* 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (12) (b), 11.07 (1), 11.12 (5), 11.12 (6), 11.21 (16), 11.23 (1), 11.26 (9) (a), 11.26 (9) (b), 11.30 (4), 11.38 (1) (a) 3. and 13.625 (1) (c) (intro.); and *to create* 11.01 (6) (b) 8. and 9., 11.01 (7) (a) 5. to 7., 11.01 (7) (b) 6. to 8., 11.01 (12m), 11.05 (3) (q), 11.06 (11) (d), 11.06 (13) and 11.185 of the statutes; **relating to:** various changes in the campaign finance and lobbying laws.

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

SECTION 1. 11.01 (6) (b) 8. and 9. of the statutes are created to read:

11.01 (6) (b) 8. Any cost incurred to conduct Internet activity for a political purpose by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of any equipment and services identified in s. 11.06 (13), but not including professional video production services purchased by the individual.

9. Any cost incurred for covering or carrying a news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication except the cost of a news story that appears in a medium that is owned or controlled by a candidate, personal campaign committee of a candidate, support committee of a candidate that is authorized under s. 11.05 (3) (p), or a political party.

SECTION 2. 11.01 (7) (a) 5. to 7. of the statutes are created to read:

11.01 (7) (a) 5. Any payment for a communication to the general public for a political purpose by means of any broadcast, satellite communication, newspaper or other periodical publication, outdoor advertising facility, mass mailing, or mass telephoning to the general public, or any other form of advertising to the general public, except communications over the Internet by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of any equipment and services identified in s. 11.06 (13).

6. Any payment for the purchase or rental of an electronic-mail address list made at the direction of a registrant for a political purpose.

7. Any payment for an electronic-mail address list that is transferred to a registrant for a political purpose.

SECTION 3. 11.01 (7) (b) 6. to 8. of the statutes are created to read:

11.01 (7) (b) 6. A communication or Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of any equipment and services identified in s. 11.06 (13), but not including professional video production services purchased by the individual.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

7. Any cost incurred in covering or carrying a news story, commentary, or editorial by a broadcasting station, cable television operator, programmer or producer, Internet site, or newspaper or other periodical publication, including an Internet or electronic publication, except the cost of a news story that appears in a medium that is owned or controlled by a candidate, personal campaign committee of a candidate, support committee of a candidate that is authorized under s. 11.05 (3) (p), or a political party.

8. A nominal fee paid for a communication to the general public.

SECTION 4. 11.01 (12m) of the statutes is created to read:

11.01 (12m) "Internet activity" includes sending or forwarding an electronic message; providing a hyperlink or other direct access on a person's Internet site to an Internet site operated by another person; blogging; creating, maintaining, or hosting an Internet site; payment by a person of a nominal fee for the use of an Internet site operated by another person; or any other form of communication distributed over the Internet.

SECTION 5. 11.05 (1) of the statutes is amended to read:

11.05 (1) COMMITTEES AND GROUPS. Except as provided in s. 9.10 (2) (d), every committee other than a personal campaign committee which makes or accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of ~~\$25~~ \$300, and every political group subject to registration under s. 11.23 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).

SECTION 6. 11.05 (2) of the statutes is amended to read:

11.05 (2) INDIVIDUALS. Except as provided in s. 9.10 (2) (d), every individual, other than a candidate or agent of a candidate, who accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of ~~\$25~~ \$300 to support or oppose the election or nomination of a candidate at an election and every individual subject to registration under s. 11.23 shall file a statement with the appropriate filing officer giving the information required by sub. (3). An individual who guarantees a loan on which an individual, committee or group subject to a registration requirement defaults is not subject to registration under this subsection solely as a result of such default.

SECTION 7. 11.05 (2r) of the statutes is amended to read:

11.05 (2r) GENERAL REPORTING EXEMPTIONS. Any committee, group, or individual, other than a committee or individual required to file an oath under s. 11.06 (7),

who or which does not anticipate accepting contributions, making disbursements or incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year and does not anticipate accepting any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in that year, or exceeding ~~\$750~~ \$2,500 in that year for a group or individual subject to registration under s. 11.23, may indicate on its registration statement that the committee, group, or individual will not accept contributions, incur obligations or make disbursements in the aggregate in excess of \$1,000 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in that year, or exceeding ~~\$750~~ \$2,500 in that year for a group or individual subject to registration under s. 11.23. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation, or the date that aggregate contributions, disbursements or obligations for the calendar year exceed \$1,000, or the date on which the registrant accepts any contribution or contributions exceeding \$100 from a single source, or exceeding ~~\$750~~ \$2,500 from a single source for a group or individual subject to registration under s. 11.23, other than contributions made by a candidate to his or her own campaign, during that year, whichever is earlier. If the revocation is not timely, the registrant violates s. 11.27 (1).

SECTION 8. 11.05 (3) (q) of the statutes is created to read:

11.05 (3) (q) In the case of a conduit, the name and mailing address of a sponsor, as defined in s. 11.185 (1), to which contributions may be redirected as provided under s. 11.185.

SECTION 9. 11.05 (12) (b) of the statutes is amended to read:

11.05 (12) (b) Except as authorized under sub. (13), a committee, group or individual that becomes subject to a registration requirement under sub. (1) or (2), other than a candidate or agent of a candidate, shall comply with sub. (1) or (2) no later than the 5th business day commencing after receipt of the first contribution by the committee, group or individual exceeding the amount specified under sub. (1) or (2) or s. 11.23 (1), and before making any disbursement exceeding that amount. No committee or individual supporting or opposing the election or nomination of a candidate at an election, other than a candidate or an agent of a candidate, may accept any contribution or contributions exceeding ~~\$25~~ \$300, ~~no individual supporting or opposing the election or nomi-~~

nation of a candidate at an election, other than a candidate or agent of a candidate, may accept any contribution or contributions exceeding \$300, and no group or individual subject to registration under s. 11.23 may accept any contribution or contributions exceeding \$750 ~~\$2,500~~, in the aggregate during a calendar year at any time when the committee, group or individual is not registered under this section except within the initial 5-day period authorized by this paragraph.

SECTION 10. 11.06 (11) (d) of the statutes is created to read:

11.06 (11) (d) A conduit shall include in each report under s. 11.12 (5) or 11.20 whether, during the reporting period, any contribution was redirected to a sponsor as permitted under s. 11.185.

SECTION 11. 11.06 (13) of the statutes is created to read:

11.06 (13) INTERNET ACTIVITY. (a) In this subsection, "equipment and services" includes computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet.

(b) If an individual conducts Internet activity for a political purpose in his or her own behalf or in behalf of another person and is not compensated specifically for those services, the cost or value of any equipment and services used by the individual to conduct the activity, other than professional video production services purchased by the individual, is not a contribution to the registrant as provided in s. 11.01 (6) (b) 8., regardless of who owns the equipment and services.

SECTION 12. 11.07 (1) of the statutes is amended to read:

11.07 (1) Every nonresident committee making contributions and every nonresident ~~individual or~~ committee making disbursements to support or oppose the election or nomination of a candidate at an election exceeding ~~\$25~~ \$300 cumulatively in a calendar year within this state, every nonresident individual making disbursements to support or oppose the election or nomination of a candidate at an election exceeding \$300 cumulatively in a calendar year within this state, and every nonresident group making contributions and every nonresident group or individual making disbursements to support or oppose a particular vote at a referendum exceeding ~~\$750~~ \$2,500 cumulatively in a calendar year within this state, shall file name, mailing and street address and the name and the mailing and street address of a designated agent within the state with the office of the secretary of state. An agent may be any adult individual who is a resident of this state. After any change in the name or address of such agent the new address or name of the successor agent shall be filed within 30 days. Service of process in any proceeding under this chapter or ch. 12, or service of any other notice or demand may be made upon such agent.

SECTION 13. 11.12 (5) of the statutes is amended to read:

11.12 (5) If any contribution or contributions of \$500 or more cumulatively 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 pre-election report submitted under s. 11.20 (3), the treasurer of the committee or the individual receiving the contribution shall within ~~24~~ 48 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 received during the period beginning with the day after the last date covered on the preprimary or pre-election report, and ending with the day before the primary or election need be reported.

SECTION 14. 11.12 (6) of the statutes is amended to read:

11.12 (6) If any disbursement of more than \$20 cumulatively is made to advocate the election or defeat of a clearly identified candidate by an individual or committee later than 15 days prior to a primary or election in which the candidate's name appears on the ballot without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, but such that the disbursement is not included in a preprimary or preelection report submitted under s. 11.20 (3), the individual or treasurer of the committee shall, within ~~24~~ 48 hours of making the disbursement, 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 next regular report of the individual or committee under s. 11.20. For purposes of this subsection, disbursements cumulate 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. Upon receipt of a report under this subsection, the filing officer shall, within 24 hours of receipt, mail a copy of the report to all candidates for any office in support of or opposition to one of whom a disbursement identified in the report is made.

SECTION 15. 11.185 of the statutes is created to read:

11.185 Redirection of contributions made to conduits. (1) In this section, "sponsor" means a committee, including a support committee, political party committee, legislative campaign committee, and special interest committee, but excluding a personal campaign committee, that is associated with a conduit.

(2) A conduit may redirect any contribution received from an individual or organization to a sponsor or, if there

is no sponsor, to an administrative fund of the conduit if all of the following apply:

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

(b) Either of the following apply:

1. The conduit has, over the 24-month period described in par. (a), attempted in good faith to contact the individual or organization that made the contribution at least 10 times, and has documented each such attempt, but has been unable to make contact with the individual or organization. A conduit may satisfy the requirement to contact the individual or organization by telephoning the individual or organization at the last-known telephone number; by sending a text message to the individual or organization at the last-known cellular telephone number or pager number capable of receiving text messages; by sending a facsimile transmission to the individual or organization at the last-known facsimile transmission number; by sending a letter or postcard to the individual or organization by U.S. mail; by sending a message by electronic mail; or by any combination of the foregoing. A conduit may not satisfy the requirement to attempt in good faith to contact the individual or organization at least 10 times if all 10 attempted contacts occur within a period of 30 consecutive days.

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

(3) If a conduit redirects a contribution under this section, the conduit shall include in its report under s. 11.12 (5) or 11.20 for the reporting period during which the contribution is redirected the information about the original contributor required for reporting purposes under s. 11.06 (1) (a) and (b) for the dates on which the contribution is received and redirected and whether the contribution is redirected to a sponsor or to an administrative fund of the conduit.

SECTION 16. 11.21 (16) of the statutes is amended to read:

11.21 (16) Require each registrant for whom the board serves as filing officer and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period to file each campaign finance report that is required to be filed under this chapter in an electronic format, and accept from any other registrant for whom the board serves as a filing officer any campaign finance report that is required to be filed under this chapter in an electronic format. A registrant who or which becomes subject to a requirement to file reports in an electronic format under this subsection shall initially file the registrant's report in an electronic format for the period which includes the date on which the registrant

becomes subject to the requirement. To facilitate implementation of this subsection, the board shall specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement under this subsection. The software shall allow an authorized individual to provide an electronic signature, as defined in s. 137.11 (8), that is subject to a security procedure, as defined in s. 137.11 (13). The board shall provide copies of the software to registrants at a price fixed by the board that may not exceed cost. ~~Each registrant who or which files a report under this subsection in an electronic format shall also file a copy of the report with the board that is recorded on a medium specified by the board. The copy shall be signed by an authorized individual and filed with the board by each registrant no later than the time prescribed for filing of the report under this chapter. A registrant who or which files a report under this subsection in an electronic format may file with the board that portion of the report signed by an authorized individual rather than submit the electronic signature of that individual.~~ The board shall provide complete instructions to any registrant who or which files a report under this subsection. In this subsection, the "campaign period" of a candidate, personal campaign committee or support committee begins and ends with the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26 (17), and the "campaign period" of any other registrant begins on January 1 of each odd-numbered year and ends on December 31 of the following year.

SECTION 17. 11.23 (1) of the statutes is amended to read:

11.23 (1) Any group or individual may promote or oppose a particular vote at any referendum in this state. Except as authorized in s. 11.05 (12) (b) and (13), before a group makes or accepts contributions, makes disbursements, or incurs obligations in excess of \$750 \$2,500 in the aggregate in a calendar year for such purposes, and before an individual accepts contributions, makes disbursements, or incurs obligations in excess of \$750 \$2,500 in the aggregate in a calendar year for such purposes, the group or individual shall file a 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.

SECTION 18. 11.26 (9) (a) of the statutes is amended to read:

11.26 (9) (a) No individual who is a candidate for state or local office may receive and accept more than 65 percent 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 subject to a filing requirement, including political party and legislative campaign committees, including any transfer from any personal campaign committee to another personal campaign committee.

SECTION 19. 11.26 (9) (b) of the statutes is amended to read:

11.26 (9) (b) No individual who is a candidate for state or local office may receive and accept more than 45 percent 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, not including any transfer from any personal campaign committee to another personal campaign committee.

SECTION 20. 11.30 (4) of the statutes is amended to read:

11.30 (4) No owner or other person with a financial interest in a communications medium may utilize such medium in support of or in opposition to a candidate or referendum except as provided in this chapter.

(4m) This chapter shall not be construed to restrict fair coverage of bona fide news stories, interviews with candidates and other politically active individuals, editorial comment or endorsement. Such activities editorials by any broadcasting station, cable television operator or producer, Internet site, or newspaper or other periodical publication, including an Internet or electronic publica-

tion, unless the communication is made by a candidate, personal campaign committee, support committee of a candidate authorized under s. 11.05 (3) (p), or a political party. Activities that are not restricted under this subsection are not subject to an attribution requirement under sub. (2) and need not be reported as a contribution or disbursement.

SECTION 21m. 11.38 (1) (a) 3. of the statutes is amended to read:

11.38 (1) (a) 3. No corporation or association specified in subd. 1. may annually ~~more than a combined total of \$500 annually~~ expend for solicitation of contributions to a fund established under subd. 2. or to a conduit more than the greater of \$20,000 or 20 percent of the amount of contributions in the previous year to the fund established under subd. 2. or to a conduit.

SECTION 23. 13.625 (1) (c) (intro.) of the statutes is amended to read:

13.625 (1) (c) (intro.) Except as permitted in this subsection, personally make a campaign contribution, as defined in s. 11.01 (6), to a partisan elective state official for the purpose of promoting the official's election to any national, state, or local office; or to a candidate for a partisan elective state office to be filled at the general election or a special election; or to the official's or candidate's personal campaign committee. A lobbyist may personally make a campaign contribution to a partisan elective state official or candidate for partisan elective state office or his or her to the personal campaign committee may be made of the official or candidate in the year of a candidate's election between June 1 the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election, except that: