



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 37**

January 25, 1995 – Offered by Representatives WALKER, FREESE, HANDRICK, DUFF
and NASS.

1 **AN ACT** *to repeal* 11.26 (9) (c); *to renumber and amend* 11.12 (6) and 11.50 (9);
2 *to amend* 11.06 (1) (a), 11.19 (1), 11.26 (9) (a), 11.26 (9) (b), 11.26 (13) and 25.42;
3 and *to create* 11.01 (14), 11.05 (3) (m), 11.095, 11.12 (6) (b), 11.26 (8m), 11.26
4 (9) (am), 11.30 (6), 11.31 (3n), 11.385 and 11.395 of the statutes; **relating to:**
5 various changes in the campaign finance law.

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

6 **SECTION 1.** 11.01 (14) of the statutes is created to read:

7 11.01 (14) “Partisan state office” means the office of governor, lieutenant
8 governor, secretary of state, state treasurer, attorney general, state senator, state
9 representative to the assembly or district attorney.

10 **SECTION 2.** 11.05 (3) (m) of the statutes is created to read:

11 11.05 (3) (m) In the case of a personal campaign committee, the name of the
12 candidate on whose behalf the committee was formed or intends to operate and the
13 office or offices that the candidate seeks.

14 **SECTION 3.** 11.06 (1) (a) of the statutes is amended to read:

1 11.06 (1) (a) An itemized statement giving the date, full name and street
2 address of each contributor who has made a contribution in excess of \$20, or whose
3 contribution if \$20 or less aggregates more than \$20 for the calendar year, together
4 with the amount of the contribution and the cumulative total contributions made by
5 that contributor for the calendar year and, if the contributor made the contribution
6 through a conduit, the identity of the conduit.

7 **SECTION 4.** 11.095 of the statutes is created to read:

8 **11.095 Regulation of certain telephoning activities.** (1) In this section,
9 “telephone bank operator” means any person who, for remuneration, places or
10 directs the placement of telephone calls to individuals.

11 (2) Every individual, committee or group who or which is subject to a
12 registration requirement under s. 11.05 and who or which retains a telephone bank
13 operator for the purpose of contacting, by telephone, more than one potential voter
14 for the purpose of asking questions concerning the preferences of the potential voters
15 with respect to any candidate, political party or issue of public concern in relation to
16 an election or to present any information or viewpoint with respect to any candidate,
17 political party or issue of public concern in relation to an election shall file a report
18 with the board containing the text of any substantially identical question asked or
19 statement made by the operator to more than one potential voter, in such a manner
20 that the board receives the report within 24 hours of the time that the operator makes
21 an initial contact with more than one potential voter during which the question is
22 asked or the statement is made. The report shall include the name and address of
23 the individual, committee or group who or which retained the telephone bank
24 operator; the name and address of the telephone bank operator; the name and date
25 of the election with respect to which the telephoning is conducted; and if the

1 telephoning is not conducted on a statewide basis, the name of each jurisdiction or
2 district within which the telephoning is conducted. The report shall be certified in
3 the manner provided in s. 11.06 (5). No person is required to file a report required
4 under this section containing any information that has been previously filed by that
5 person or another person.

6 **SECTION 5.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
7 to read:

8 11.12 (6) (a) ~~If any~~ Except as provided in par. (b), if an individual or committee
9 incurs or intends to incur an obligation or makes or intends to make a disbursement
10 of more than \$20 \$250 cumulatively is made to advocate the election or defeat of a
11 clearly identified candidate by an individual or committee later than 15 days prior
12 to a primary or election in which the candidate's name appears on the ballot without
13 cooperation or consultation with a candidate or agent or authorized committee of a
14 candidate who is supported or whose opponent is opposed, and not in concert with
15 or at the request or suggestion of such a candidate, agent or committee, the
16 individual or treasurer of the committee shall, within 24 hours of making the no later
17 than 21 days prior to the activity intended to be funded by the incurred obligation
18 or disbursement, inform the appropriate filing officer of the information required
19 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
20 also be included in the next regular report of the individual or committee under s.
21 11.20. For purposes of this subsection, obligations and disbursements cumulate
22 beginning with the day after the last date covered on the preprimary or preelection
23 report and ending with the day before the primary or election. Upon receipt of a
24 report under this subsection paragraph, the filing officer shall, within 24 hours of
25 receipt, mail a copy of the report to all candidates for any office in support of or

1 opposition to one of whom a an incurred obligation or disbursement identified in the
2 report is to be made.

3 **SECTION 6.** 11.12 (6) (b) of the statutes is created to read:

4 11.12 **(6)** (b) If the independently incurred obligation or disbursement
5 described in par. (a) relates to a special primary or election not held concurrently with
6 the spring or September primary or the spring or general election, the individual who
7 or committee which incurs or intends to incur the obligation or makes or intends to
8 make the disbursement shall inform the appropriate filing officer no later than 14
9 days prior to the activity intended to be funded by the incurred obligation or
10 disbursement.

11 **SECTION 7.** 11.19 (1) of the statutes is amended to read:

12 11.19 **(1)** Whenever any registrant disbands or determines that obligations will
13 no longer be incurred, and contributions will no longer be received nor disbursements
14 made during a calendar year, and the registrant has no outstanding incurred
15 obligations, the registrant shall file a termination report with the appropriate filing
16 officer. Such report shall indicate a cash balance on hand of zero at the end of the
17 reporting period and shall indicate the disposition of residual funds. Residual funds
18 may be used for any political purpose not prohibited by law, returned to the donors
19 in an amount not exceeding the original contribution, transferred to the board for
20 deposit in the Wisconsin election campaign fund, or donated to a charitable
21 organization or the common school fund. The report shall be filed and certified as
22 were previous reports, and shall contain the information required by s. 11.06 (1). If
23 a termination report or suspension report under sub. (2) is not filed, the registrant
24 shall continue to file periodic reports with the appropriate filing officer, no later than

1 the dates specified in s. 11.20. This subsection does not apply to any registrant
2 making an indication under s. 11.05 (2r).

3 **SECTION 8.** 11.26 (8m) of the statutes is created to read:

4 11.26 (8m) No committee, other than a personal campaign committee, support
5 committee under s. 11.18, political party committee or legislative campaign
6 committee, may make any contribution or contributions, directly or indirectly, to
7 another committee, other than a personal campaign committee, support committee
8 under s. 11.18, political party committee or legislative campaign committee
9 exceeding a total of \$5,000 in value in any biennium. This limitation does not apply
10 to any contribution or contributions made by a committee which does not maintain
11 an address within this state, to the extent that the committee receives any
12 contribution or contributions in a corresponding amount from a committee which
13 maintains an address in this state in the same biennium. In this subsection, a
14 biennium commences with January 1 of each odd-numbered year and ends with
15 December 31 of the following even-numbered year.

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

17 11.26 (9) (a) No Except as authorized in par. (am), no individual who is a
18 candidate for state or local office may receive and accept more than 65% of the value
19 of the total disbursement level determined under s. 11.31 for the office for which he
20 or she is a candidate during any primary and election campaign combined from all
21 committees subject to a filing requirement, including political party and legislative
22 campaign committees.

23 **SECTION 10.** 11.26 (9) (am) of the statutes is created to read:

24 11.26 (9) (am) If any incurred obligation or disbursement of more than \$250
25 cumulatively is incurred or made by an individual or committee to advocate the

1 election or defeat of a clearly identified candidate whose name appears on the ballot
2 at an election and the incurred obligation or disbursement is incurred or made
3 without cooperation or consultation with any candidate who is supported or whose
4 opponent is opposed or such a candidate's agent or authorized committee, and not in
5 concert with, or at the request or suggestion of, any such candidate, agent or
6 authorized committee, then each candidate whose name appears on the same ballot
7 and who is opposed or whose opponent is supported by that advocacy may receive and
8 accept from a political party or legislative campaign committee contributions in
9 addition to the value prescribed in par. (a) but not to exceed, in total, the value
10 prescribed in par. (a) plus the total value of incurred obligations and disbursements
11 that are reported to the appropriate filing officer under s. 11.12 (6). For the purposes
12 of this paragraph, obligations and disbursements cumulate as provided in s. 11.12
13 (6) (a).

14 **SECTION 11.** 11.26 (9) (b) of the statutes is amended to read:

15 11.26 (9) (b) No individual who is a candidate for state or local office may receive
16 and accept more than ~~45%~~ 33% of the value of the total disbursement level, as
17 determined under s. 11.31 (1), for the office for which he or she is a candidate during
18 any primary and election campaign combined from all committees other than
19 political party and legislative campaign committees subject to a filing requirement.

20 **SECTION 12.** 11.26 (9) (c) of the statutes is repealed.

21 **SECTION 13.** 11.26 (13) of the statutes is amended to read:

22 11.26 (13) ~~Except as provided in sub. (9), contributions~~ Contributions received
23 from the Wisconsin election campaign fund are not subject to limitation by this
24 section.

25 **SECTION 14.** 11.30 (6) of the statutes is created to read:

1 11.30 (6) Every individual, committee or group who or which is subject to a
2 registration requirement under s. 11.05 and who or which publishes, distributes or
3 broadcasts, or causes to be published, distributed or broadcast, any communication
4 which advocates the election or defeat of a clearly identified candidate without
5 cooperation or consultation with a candidate or agent or authorized committee of a
6 candidate who is supported or whose opponent is opposed, and not in concert with
7 or at the request or suggestion of such a candidate, agent or committee shall file with
8 the board, in writing, a copy of the text of the communication, together with the name
9 of the person who is publishing, distributing or broadcasting the communication or
10 causing it to be published, distributed or broadcast and that person's address, in such
11 manner that the text is received by the board within 24 hours of the time that the
12 communication is first published, distributed or broadcast. The report shall be
13 certified in the manner prescribed in s. 11.06 (5). No person is required to file the text
14 of a communication with the board under this subsection that has been previously
15 filed by that person or another person.

16 **SECTION 15.** 11.31 (3n) of the statutes is created to read:

17 11.31 (3m) INDEPENDENT DISBURSEMENTS; EXCEPTION. Notwithstanding subs. (1)
18 and (2), if any incurred obligation or disbursement of more than \$250 cumulatively
19 is incurred or made by an individual or committee to advocate the election or defeat
20 of a clearly identified candidate whose name appears on the ballot at an election and
21 the incurred obligation or disbursement is incurred or made without cooperation or
22 consultation with any candidate who is supported or whose opponent is opposed or
23 such a candidate's agent or authorized committee, and not in concert with, or at the
24 request or suggestion of, any such candidate, agent or authorized committee, then
25 each candidate whose name appears on the same ballot and who is opposed or whose

1 opponent is supported by that advocacy may make or authorize total disbursements
2 from the campaign treasury in excess of the amount prescribed in sub. (1) but not to
3 exceed, in total, the amount prescribed in sub. (1) plus the total amount of incurred
4 obligations and disbursements that are reported to the appropriate filing officer
5 under s. 11.12 (6). For the purposes of this subsection, obligations and
6 disbursements cumulate as provided in s. 11.12 (6) (a).

7 **SECTION 16.** 11.385 of the statutes is created to read:

8 **11.385 Negative option deductions prohibited.** (1) In this section:

9 (a) “Employe organization” means any association consisting of 2 or more
10 employees of one or more employers.

11 (b) “Employer” includes the state and every local governmental unit as defined
12 in s. 16.97 (7).

13 (2) No employer may deduct any amount from the wages or allowances or
14 reimbursements for expenses payable to an employe for the purpose of making or
15 transferring a contribution to a committee, other than a political party, legislative
16 campaign, or personal campaign committee or a support committee under s. 11.18,
17 without a written authorization, signed by the employe, which specifically
18 authorizes the deduction for the purpose of making or transferring such a
19 contribution.

20 (3) No employer or employe organization may make or transfer a contribution
21 to a committee other than a political party, legislative campaign or personal
22 campaign committee or support committee under s. 11.18 unless the deduction is
23 made in compliance with sub. (2).

24 (4) Every employer who makes a deduction and every employer and employe
25 organization to which a deduction is payable for the purpose of making or

1 transferring a contribution specified in sub. (3) shall provide to the employe who
2 authorizes the deduction to be made an opportunity to terminate the deduction upon
3 written notice to the employer making the deduction, or to the employer or employe
4 organization for which the deduction is made. A termination of an authorization
5 under this subsection is effective at such time as may be agreed between the employe
6 and the employe's employer or the employer or employe organization for which the
7 deduction is made, but in no case later than the number of days after notice of
8 termination is filed equal to the interval between regular payments to the employe
9 from which the deduction is taken.

10 **SECTION 17.** 11.395 of the statutes is created to read:

11 **11.395 Certain contributions prohibited.** (1) No individual or committee
12 may make or transfer a contribution to an individual who is a candidate for a
13 partisan state office which the individual holds at the time the contribution is made
14 or transferred, to the personal campaign committee of such a candidate or to the
15 support committee of such a candidate authorized under s. 11.05 (3) (p), if the
16 contribution is made during the period commencing on the first Monday in January
17 of each odd-numbered year and ending with the date of enactment of the biennial
18 budget act.

19 (2) This section does not apply to a contribution made to:

20 (a) An individual who is a candidate for the office of district attorney or to the
21 personal campaign committee of such an individual or to the support committee of
22 such an individual authorized under s. 11.05 (3) (p).

23 (b) A candidate for a partisan state office, or to the personal campaign
24 committee of such a candidate, which is made after the day of an election at which
25 the candidate's name appeared on the ballot and in which the candidate was elected

1 or defeated, for the purpose of retiring obligations incurred by the candidate or
2 committee in relation to that election, for so long as the campaign of the candidate
3 continues under s. 11.26 (17) (d).

4 **SECTION 18.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
5 to read:

6 11.50 (9) (a) The total grant available to an eligible candidate may not exceed
7 that amount which, when added to all other contributions accepted from sources
8 other than individuals, political party committees and legislative campaign
9 committees, is equal to 45% of the disbursement level specified for the applicable
10 office, as determined under s. 11.31 (1).

11 (b) The board shall scrutinize accounts and reports and records kept under this
12 chapter to assure that applicable limitations under ~~ss. 11.26 (9) and s. 11.31~~ are not
13 exceeded and any violation is reported. No candidate or campaign treasurer may
14 accept grants exceeding the amount authorized by this subsection.

15 **SECTION 19.** 25.42 of the statutes is amended to read:

16 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
17 s. 20.855 (4) (b) together with all moneys deposited under s. 11.19 (1), all moneys
18 reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received
19 under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended
20 for the purposes of s. 11.50. All moneys in the fund not disbursed by the state
21 treasurer shall continue to accumulate indefinitely.

22 **SECTION 20. Effective dates.** This act takes effect on the day after
23 publication, except as follows:

24 (1) The treatment of section 11.06 (1) (a) of the statutes takes effect on January
25 1, 1996.

