

1985 Senate Bill 120

Date of enactment: April 29, 1986

Date of publication: May 6, 1986

## 1985 Wisconsin Act 303 (Vetoed in Part)

AN ACT to repeal 11.05 (2r) (b), 11.05 (3) (d), (fm), (g) and (i), 11.09 (2), 11.09 (5), 11.20 (3) (e), 11.20 (5) and (6), 11.215, 11.26 (2) (cm), 11.26 (2) (d), 11.265 (2), 11.31 (1) (dm), (fm), (g) and (h) and 14.38 (7); to renumber 11.001 (2), 11.20 (3) (intro.) and 11.50 (3); to renumber and amend 11.05 (2r) (a) and 11.265 (1); to amend 5.02 (13), 5.05 (1) (c) and (5), 11.01 (4), 11.02 (7), 11.05 (1), (2) and (2g), 11.05 (3) (c), 11.05 (5), 11.05 (7), 11.05 (12) (a) and (13), 11.06 (1) (a), (b), (e), (g) and (i), 11.06 (4) (b), 11.09 (3), 11.09 (4), 11.10 (1), 11.12 (5), 11.14, 11.16 (1), 11.16 (3), 11.16 (4), 11.19 (2), 11.20 (1), 11.20 (3) (a) and (b), 11.20 (4m), 11.21 (11) (a) and (b), 11.21 (13), 11.22 (1), 11.23 (6), 11.25 (2) (b), 11.26 (1) (d) and (2) (intro.), 11.26 (2) (e), (4), (6) and (8), 11.26 (9), 11.26 (17) (c), (d) and (e), 11.30 (2) (a) to (c), 11.30 (2) (f), 11.31 (6), 11.315, 11.33, 11.34 (1), 11.37, 11.38 (1) (a) 2, 11.38 (8) (c), 11.50 (2) (a), (b) 5, (c), (h) and (i), ~~11.50 (7), (8) and (9), 11.50 (11) (e) and (12), 11.60 (1) to (3), 11.61 (1) (a), 15.61, 20.510 (1) (q), 25.42 and 71.095 (2); to repeal and recreate 11.05 (9), 11.06 (3) and 11.21 (12); and to create 11.001 (2), 11.01 (5m), (6) (a) 7 and (7) (a) 4, 11.01 (12s), 11.05 (3) (o) and (p), 11.05 (5m), 11.06 (1) (jm), 11.06 (7m), 11.06 (11), 11.06 (12), 11.12 (6), 11.16 (1) (b), 11.16 (5), 11.18, 11.24 (1m), 11.26 (1) (cc) to (cw), 11.26 (2) (cc) and (cg), 11.26 (2) (cn) and (cw), 11.26 (12m), 11.26 (17) (f), 11.265 (1), 11.30 (2) (hm), 11.30 (5), 11.31 (2m), 11.33 (2) (d) and (3), 11.36 (5), 11.50 (3) (b), ~~11.50 (10e), 11.50 (10m) and 11.50 (13)~~ of the statutes, relating to campaign financing, providing a penalty and making an appropriation.~~

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

**SECTION 1. Legislative intent.** The legislature finds that political party and legislative campaign committees ordinarily act in cooperation or consultation with candidates or their agents or authorized committees and that political party and legislative campaign committees cannot, therefore, avail themselves of the opportunity to make independent expenditures to advocate the election or defeat of a clearly identified candidate. If such committees do make independent expenditures, they are not acting as political party or legislative campaign committees and do not qualify for the special contribution limits applicable to these committees. This act is not intended to change the law in this respect; it is, rather, intended to confirm the existing law.

**SECTION 1m.** 5.02 (13) of the statutes is amended to read:

5.02 (13) "Political party" or "party" means a state committee registered under s. 11.05 organized exclusively for political purposes, ~~recognized by the national organization of the party, if any,~~ under whose name candidates appear on a ballot at any election, and all county, congressional, legislative, local and other affiliated committees authorized to operate under the same name. For purposes of ch. 11, the term does not include a legislative campaign committee ~~created under s. 11.265 or a committee filing an oath under s. 11.06 (7).~~

**SECTION 2.** 5.05 (1) (c) and (5) of the statutes are amended to read:

5.05 (1) (c) Bring civil actions to require forfeitures for any violation of ch. 11 under s. 11.60. Forfeiture actions brought by the board may concern only violations with respect to reports or statements required by law to be filed with it, and other violations arising under elections for state office or statewide referenda. The board may compromise and settle any civil action or potential action brought or authorized to be brought by it under ch. 11 which, in the opinion of the board, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter. Notwithstanding s. 778.06, an action or proposed action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Any settlement made by the board shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a penal component to serve as a deterrent to future violations. In settling actions or proposed actions, the board shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Forfeiture actions brought by the board shall be brought in the circuit court for the county wherein the violation is alleged to occur.

(5) **BIENNIAL REPORT.** Notwithstanding s. 15.04 (1) (d), the board shall file its biennial report required by that paragraph on or before June 30 of each odd-numbered year, covering the biennium ending on the previous December 31. The board ~~shall~~ may include any information compiled under s. 11.21 (7) in such report.

SECTION 2g. 11.001 (2) of the statutes is renumbered 11.001 (3).

SECTION 2r. 11.001 (2) of the statutes is created to read:

11.001 (2) This chapter is also intended to ensure fair and impartial elections by precluding officeholders from utilizing the perquisites of office at public expense in order to gain an advantage over nonincumbent candidates who have no perquisites available to them.

SECTION 3. 11.01 (4) of the statutes is amended to read:

11.01 (4) "Committee" or "political committee" means any person other than an individual and any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements ~~for political purposes~~, whether or not engaged in activities which are exclusively political, except that a "committee" does not include a political "group" under this chapter.

SECTION 4. 11.01 (5m), (6) (a) 7 and (7) (a) 4 of the statutes are created to read:

11.01 (5m) "Conduit" means an individual who or an organization which receives a contribution and transfers the contribution to another individual or organization without exercising discretion as to the amount which is transferred and the individual to whom or organization to which the transfer is made.

(6) (a) 7. A purchase, payment, distribution, loan, advance, 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), made by a committee for a purpose authorized under s. 11.25 (2) (b) or (c), or by an individual for a purpose authorized under s. 11.25 (2) (b) or (c) if deposited in a campaign depository account.

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

SECTION 5. 11.01 (12s) of the statutes is created to read:

11.01 (12s) "Legislative campaign committee" means a committee which does not file an oath under s. 11.06 (7) organized in either house of the legislature to support candidates of a political party for legislative office.

SECTION 6. 11.02 (7) of the statutes is amended to read:

11.02 (7) If the jurisdiction under sub. (3) or (6) is a school district, the appropriate clerk is the ~~city clerk in the case of a city school district. In the case of any other school district, the appropriate clerk is the~~ school district clerk.

SECTION 7. 11.05 (1), (2) and (2g) 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 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 ~~verified~~ 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).

(2) INDIVIDUALS. 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 shall file a ~~verified~~ 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.

(2g) CANDIDATES AND PERSONAL CAMPAIGN COMMITTEES. Every candidate as defined in s. 11.01 (1) shall file a ~~verified~~ registration statement with the appropriate filing officer giving the information required by sub. (3). If a candidate appoints another person as campaign treasurer the candidate's registration statement shall be cosigned by the candidate and the candidate's appointed treasurer. A candidate who receives no contributions and makes no disbursements shall file such statement as provided in s. 11.10 (1) but need not appoint a campaign treasurer or designate a campaign depository account until the first contribution is received or disbursement made.

SECTION 8. 11.05 (2r) (a) of the statutes is renumbered 11.05 (2r) and amended to read:

11.05 (2r) GENERAL REPORTING EXEMPTIONS. Any person, committee or group, other than a committee or individual required to file an oath under s. 11.06 (7), ~~a candidate or personal campaign committee of a candidate for statewide or legislative office or a political party committee~~ who or which does not anticipate accepting contributions, making disbursements or incurring obligations in an aggregate amount in excess of ~~\$500~~ \$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 may indicate on its ~~verified~~ registration statement that the person, committee or group will not accept contributions, incur obligations or make disbursements in the aggregate in excess of ~~\$500~~ \$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 such year. 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 ~~\$500~~ \$1,000, or the date on which the registrant accepts any contribution or contributions exceeding \$100 from a single source, other than contributions made by a candidate to his or her own campaign, during that year, whichever is earlier, ~~but if~~. If the revocation is not timely, the registrant violates s. 11.27 (1).

SECTION 9. 11.05 (2r) (b) of the statutes is repealed.

SECTION 10. 11.05 (3) (c) of the statutes is amended to read:

11.05 (3) (c) In the case of a committee, a statement as to whether the committee is a personal campaign committee, a political party committee, a legislative campaign committee, a support committee or a special interest committee.

SECTION 11. 11.05 (3) (d), (fm), (g) and (i) of the statutes are repealed.

SECTION 12. 11.05 (3) (o) and (p) of the statutes are created to read:

11.05 (3) (o) In the case of a legislative campaign committee, a statement signed by the leader of the party in the house for which the committee is established attesting to the fact that the committee is the only authorized legislative campaign committee for that party in that house.

(p) In the case of a support committee, a statement signed by the individual on whose behalf the committee intends to operate affirming that the committee is the only committee authorized to operate on his or her behalf, unless the committee files a statement under s. 11.06 (7).

SECTION 13. 11.05 (5) of the statutes is amended to read:

11.05 (5) CHANGE OF INFORMATION. Any change in information previously submitted in a statement of registration shall be reported by the registrant to the appropriate filing officer ~~in verified form~~ within 10 days following the change. This period does not apply in case of change of an indication made under sub. (2r), which shall be reported no later than the date that a registrant is subject to a filing requirement under sub. (2r). Any such change may be attested reported only by the individual or by the officer who has succeeded to the position of ~~the an~~ an individual attesting to who signed the original statement; but in the case of a personal campaign committee, a candidate or campaign treasurer may ~~attest to report~~ attest to report a change in the statement except as provided in s. 11.10 (2), and in the case of any other committee or group, the chief executive officer or treasurer indicated on the statement may ~~attest to report~~ attest to report a change. If a preexisting support committee is adopted by a candidate as his or her personal campaign committee, the candidate shall file an amendment to the committee's statement under this

subsection indicating that ~~he or she swears to the veracity of~~ all information contained in the statement is true, correct and complete.

SECTION 14. 11.05 (5m) of the statutes is created to read:

11.05 (5m) CERTIFICATION. Every statement and every change made in a statement filed under this section shall contain a certification signed by the individual filing the statement that all information contained in the statement is true, correct and complete.

SECTION 15. 11.05 (7) of the statutes is amended to read:

11.05 (7) CHANGE IN STATUS OF NEW REGISTRANT. Notwithstanding sub. (6), any committee, group or individual who or which has received property or funds which were not intended for political purposes in connection with an election for state or local office at the time of receipt may make contributions or disbursements from such property or funds in connection with an election for state or local office if the committee, group or individual complies with applicable provisions of sub. (1), (2), or (2g) ~~or (2r)~~ as soon as such intent changes. For purposes of s. 11.06 (1), all property or funds which are in such a registrant's possession on the date of registration under this section shall be treated as received on the date that such intent changes so that the property or funds are to be used for political purposes in connection with an election for state or local office.

SECTION 15g. 11.05 (9) of the statutes is repealed and recreated to read:

11.05 (9) CONDUITS. (a) For purposes of this chapter, every individual who and every committee or group which deposits a contribution in an account at a financial institution as defined in s. 705.01 (3) is considered to receive and accept the contribution.

(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, personal campaign committee, legislative campaign committee or political party committee.

~~(c) No conduit or political action committee may contribute to the personal campaign committee of an incumbent legislator during a legislative floor period.~~

SECTION 15r. 11.05 (12) (a) and (13) of the statutes are amended to read:

11.05 (12) (a) Except as authorized under sub. (13), a candidate shall comply with sub. (2g) no later than the time that he or she becomes a candidate as defined in s. 11.01. No ~~Except as authorized in sub. (13), no~~ candidate or agent of a candidate may accept any contribution or contributions at any time when the candidate is not registered under this section.

(13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee or group does not violate

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this section by accepting a contribution and making a disbursement in the amount required to rent a postal box, or in the minimum amount required by a bank or trust company to open a checking account, prior to the time of registration, if the disbursement is properly reported on the first report submitted under s. 11.20 after the date that the individual, committee or group is registered, whenever a reporting requirement applies to the registrant.

SECTION 16. 11.06 (1) (a), (b), (e), (g) and (i) of the statutes are amended to read:

11.06 (1) (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 ~~such~~ the contribution, ~~and~~ the cumulative total contributions 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, if any, of each individual contributor whose cumulative contributions for the calendar year are in excess of \$100, except as provided in sub. (11).

(e) An itemized statement of contributions over \$20 from a single source ~~returned to donor or~~ donated to a charitable organization or to the common school fund, with the full name and mailing address of the ~~donor or donee.~~

(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 ~~such~~ the disbursement was made.

(i) A statement of totals during the reporting period of contributions received and disbursements made, including transfers made to and received from other registrants, other income, loans, and contributions ~~returned to the donor or~~ donated as provided in par. (e).

SECTION 17. 11.06 (1) (jm) of the statutes is created to read:

11.06 (1) (jm) A copy of any separate schedule prepared or received pursuant to an escrow agreement under s. 11.16 (5). A candidate or personal campaign committee receiving contributions under such an agreement and attaching a separate schedule under this paragraph may indicate the percentage of the total contributions received, disbursements made and exclusions claimed under s. 11.31 (6) without itemization, except that amounts received from any contributor pursuant to the agreement who makes any separate contribution to the candidate or personal campaign committee during the calendar year of receipt as indicated in the schedule shall be aggregated and itemized if required under par. (a) or (b).

SECTION 18. 11.06 (3) of the statutes is repealed and recreated to read:

11.06 (3) NONRESIDENT REPORTING. (a) In this subsection, "nonresident registrant" means a registrant who or which does not maintain an office or street address within this state.

(b) Notwithstanding sub. (1), a nonresident registrant shall report on a form prescribed by the board the applicable information under sub. (1) concerning:

1. Contributions, including transfers and loans, and other income received from sources in this state.

2. Disbursements made and obligations incurred with respect to an election for state or local office in this state.

(c) If a nonresident registrant is registered for campaign finance reporting purposes with the federal elections commission or with the filing officer or agency of another state, the registrant shall indicate on the report the name and address of each filing officer or agency with which a copy of its campaign finance reports is filed.

SECTION 19. 11.06 (4) (b) of the statutes is amended to read:

11.06 (4) (b) Unless it is returned or donated within ~~40~~ 15 days of receipt, ~~any such~~ a contribution must be reported as received and accepted on the date received. This subsection applies notwithstanding the fact that the contribution is not deposited in the campaign depository account by the reporting deadline closing date for the reporting period as provided in s. 11.20 (8).

SECTION 19e. 11.06 (7m) of the statutes is created to read:

11.06 (7m) INDEPENDENT CONTRIBUTIONS AND DISBURSEMENTS. 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 the committee does not act in concert with, or at the request or suggestion of, such a 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 candidate's opponents exceeding the amounts specified in s. 11.26 (2). If the committee has already made contributions in excess of the amounts specified in s. 11.26 (2) at the time it files the oath, 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 19em. 11.06 (11) of the statutes is created to read:

11.06 (11) REPORTING OF CONDUIT CONTRIBUTIONS.

(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) 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.

(am) Each candidate, personal campaign committee, legislative campaign committee or political party committee receiving a contribution from an individual which is transferred to the candidate or committee by a conduit shall report the occupational and employment information specified in par. (a) in lieu of the information specified in sub. (1) (b) in its reports required under ss. 11.12 (5) and 11.20. ~~In this section, reports shall be submitted when the total contribution from a conduit under s. 11.05 (9) is \$500 or more.~~

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(b) Each filing officer shall place a copy of any report received under par. (a) in the file of the conduit and the file of the transferee.

(c) A contribution received from a conduit, accompanied by the information required under par. (a), is considered to be a contribution from the original contributor.

SECTION 19f. 11.06 (12) of the statutes is created to read:

11.06 (12) VALUATION OF OPINION POLL OR VOTER SURVEY RESULTS. (a) In this subsection:

1. "Election period" means 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.

2. "Initial recipient" means the individual who or committee which commissions a public opinion poll or voter survey.

3. "Results" means computer output or a written or verbal analysis of polling or survey data.

4. "Voter survey" includes the acquisition of information which identifies voter attitudes concerning candidates or issues.

(b) If a candidate or committee receives a contribution consisting of the results of an opinion poll or voter survey during the first 15 days after the results are received by the initial recipient, or if a candidate or committee receives a contribution consisting of the results of an opinion poll or voter survey for which the initial recipient received the results during an election period, the contribution shall be valued for purposes of sub. (1) at the full share of the overall cost of the poll or survey which is allocable to each candidate,

including a candidate for national office, receiving the results.

(c) If the results are received 16 to 60 days following receipt by the initial recipient, and if the initial recipient did not receive the results during an election period, the contribution shall be valued at 50% of the amount allocated to an initial recipient of the same results.

(d) If the results are received 61 to 180 days after receipt by the initial recipient, and if the initial recipient did not receive the results during an election period, the contribution shall be valued at 5% of the amount allocated to an initial recipient of the same results.

(e) If the results are received more than 180 days after receipt by the initial recipient, and if the initial recipient did not receive the results during an election period, no amount need be allocated.

(f) If the results of an opinion poll or voter survey are contributed to more than one recipient, the value of the poll or survey, as adjusted under pars. (c) to (e), shall be apportioned to each recipient receiving the results by one of the methods specified in this paragraph selected by the contributor. Each recipient shall report one of the following, in accordance with instructions received from the contributor:

1. That share of the overall cost of the poll or survey which is allocable to the recipient, based upon the cost allocation formula of the polling or survey firm from which the results are purchased. Under this method the size of the sample, the population of the area in which the recipient conducts political activities, the number of computer column codes, the extent of computer tabulations, and the extent of written analysis and verbal consultation, if applicable, may be used to determine the shares.

2. An amount computed by dividing the overall cost of the poll or survey equally among recipients receiving the results.

3. A proportion of the overall cost of the poll or survey equal to the proportion that the number of question results received by the recipient bears to the total number of question results received by all recipients.

(g) If the contributor makes a subsequent contribution of the results of an opinion poll or voter survey after initial apportionment of the value under par. (f), the contributor shall report to the recipient a value for the contribution determined in good faith, considering the value to other recipients, as adjusted under pars. (c) to (e). In such case, the total value of the contributor's aggregate contributions may exceed the original cost of the poll or survey.

(h) A contributor of opinion poll or voter survey results shall maintain records sufficient to support the valuation of the contribution and shall inform the recipient of the value of the contribution.

SECTION 19m. 11.09 (2) of the statutes is repealed.

SECTION 20. 11.09 (3) of the statutes is amended to read:

11.09 (3) Each registrant whose filing officer is the board, who or which makes disbursements in connection with elections for offices which serve or referenda which affect only one county or portion thereof, except a candidate, personal campaign committee, political party committee or other committee covered under sub. (2) making disbursements in support of or in opposition to a candidate for state senator, representative to the assembly, court of appeals judge or circuit judge, shall file a duplicate original of each financial report filed with the board with the county clerk or board of election commissioners of the county in which the elections in which the registrant participates are held. Such reports shall be filed no later than the dates specified under s. 11.20 ~~(3) (2)~~ and (4) for the filing of each report with the board.

SECTION 20m. 11.09 (4) of the statutes is amended to read:

11.09 (4) In every case where a duplicate report is filed by the board or by any person under ~~subs. (2) and sub. (3)~~, the board shall transmit a certified duplicate copy of the registration statement to each county clerk or board of election commissioners with whom a duplicate report is filed.

SECTION 21. 11.09 (5) of the statutes is repealed.

SECTION 22. 11.10 (1) of the statutes is amended to read:

11.10 (1) Each candidate in an election shall appoint one campaign treasurer. Except as provided in s. 11.14 (3), each candidate shall designate one campaign depository account within 5 business days after the candidate receives his or her first contribution and before the candidate makes or authorizes any disbursement in behalf of his or her candidacy. If a candidate adopts a preexisting support committee as his or her personal campaign committee, the candidate shall make such designation within 5 business days of adoption. The person designated as campaign treasurer shall be the treasurer of the candidate's personal campaign committee, if any. The candidate may appoint himself or herself or any other elector as campaign treasurer. A ~~verified~~ registration statement under s. 11.05 (2g) or (2r) must be filed jointly by every candidate and his or her campaign treasurer. The candidate does not qualify for ballot placement until this requirement is met. Except as authorized under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the correctness of each report required to be filed, and the candidate ~~shall bear~~ bears the responsibility for the accuracy of each report for purposes of civil liability under this chapter, whether or not the candidate certifies it personally.

SECTION 23. 11.12 (5) of the statutes is amended to read:

11.12 (5) If any contribution of ~~more than~~ \$500 or more cumulatively is 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) ~~(a)~~, the treasurer of the committee or the individual receiving ~~such~~ 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. ~~Contributions~~ For purposes of the reporting requirement under this subsection, contributions 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.

SECTION 24. 11.12 (6) of the statutes is created 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, the individual or treasurer of the committee shall, within 24 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 25. 11.14 of the statutes is amended to read:

**11.14 Deposit of contributions.** (1) Except as authorized in sub. (3) and as required by s. 11.16 (5), all funds received by a campaign or committee treasurer, group treasurer, candidate or other individual shall be deposited in a single separate campaign depository account designated in accordance with s. 11.16 (3). Except as authorized in sub. (3), ~~such~~ the depository account shall be established by every candidate no later than the time prescribed in s. 11.10 (1), and by every other individual or treasurer no later than the 5th business day after becoming subject to a registration requirement under s. 11.05 and before making any disbursement. ~~Any bank or trust company~~ The depository account may be established with any financial institution as defined in s. 705.01 (3) which is

authorized to transact business in this state ~~may be selected as the depository~~. The individual or treasurer shall deposit all funds received in the campaign depository account no later than the 5th business day commencing after receipt. This subsection does not apply to a contributor committee or group which is exempt from registration under s. 11.05 (8).

(2) After deposit in the campaign depository account, funds may be transferred by the individual or treasurer to any other account which is identified under s. 11.05 (3) (L). Funds deposited in other accounts may not be directly disbursed but shall be returned to the depository account for purposes of disbursement. Disbursements shall be made only in accordance with s. 11.16 (3).

(3) Notwithstanding sub. (1), any candidate ~~other than a candidate for statewide or legislative office~~ who serves as his or her own campaign treasurer and who is authorized to make and makes an indication on his or her registration statement under s. 11.05 (2r) (a) that he or she will not accept contributions, make disbursements or incur obligations in an aggregate amount exceeding ~~\$500~~ \$1,000 in a calendar year, and will not accept any contribution or contributions from a single source, other than contributions made by the candidate to his or her own campaign, exceeding \$100 in a calendar year, may designate a single personal account as his or her campaign depository account, and may intermingle personal and other funds with campaign funds ~~in an amount not exceeding \$500 per calendar year~~. If a separate depository account is later established, by the candidate, the candidate shall transfer all campaign funds in the personal account shall be transferred to the new depository account. Disbursements made from such personal account need not be identified in accordance with s. 11.16 (3).

SECTION 26. 11.16 (1) of the statutes is amended to read:

11.16 (1) AUTHORIZATION; LIABILITY. (a) No disbursement may be made or obligation incurred by a candidate, or by any other person or committee ~~in support of or in opposition to a~~ advocate the election or defeat of a clearly identified candidate, other than an individual who, or a committee which, has registered under s. 11.05 and filed an oath under s. 11.06 (7), except by the campaign treasurer of the candidate or other agent designated by the candidate and acting under his or her authority.

(c) In the event that an obligation is incurred or disbursement made by the campaign treasurer or other authorized agent of the candidate, the action is imputable to the candidate for purposes of civil liability under this chapter.

(d) This subsection does not apply to disbursements and obligations which are exempted from reporting under s. 11.06 (2).

SECTION 27. 11.16 (1) (b) of the statutes is created to read:

11.16 (1) (b) The treasurer of each committee and each individual who proposes to make a disbursement to advocate the election or defeat of a clearly identified candidate shall notify the treasurer or other agent designated under par. (a) of the candidate who is supported or whose opponent is opposed and obtain the authorization of the treasurer prior to making the disbursement. This paragraph does not apply to an individual or committee filing an oath under s. 11.06 (7) with respect to the candidate who is supported or opposed.

SECTION 28. 11.16 (3) of the statutes is amended to read:

11.16 (3) FORM OF DISBURSEMENTS. Every disbursement which is made by a registered individual or treasurer from the campaign depository account shall be made by negotiable instrument. Such instrument shall bear on the face the full name of the candidate, committee, individual or group as it appears on the registration statement filed under s. 11.05 and where necessary, such additional words as are sufficient to clearly indicate the political nature of the registrant or account of the registrant. The name of a political party shall include the word "party". The instrument of each committee registered with the board and designated under s. 11.05 (3) (c) as a special interest committee shall bear the identification number assigned under s. 11.21 (12) on the face of the instrument.

SECTION 29. 11.16 (4) of the statutes is amended to read:

11.16 (4) EARMARKING. (a) The treasurer of a personal campaign committee may agree with a prospective contributor that a contribution is received to be utilized for a specific purpose not prohibited by law. Such purpose may not include a disbursement in support of or in opposition to another candidate or the transfer to an individual or committee acting in support of or in opposition to another candidate, except as authorized in an escrow agreement under s. 11.16 (5).

(b) When a contribution is made to a political party or to an individual or committee other than a candidate or the candidate's personal campaign committee, the purpose may not be specified, except where that if a precampaign committee is established for adoption by contribution is received pursuant to an escrow agreement for transfer to a candidate in accordance with s. 11.10 (1) sub. (5), the contributor may specify the recipient of the contribution and if a contribution is received by a support committee established for adoption by a candidate in accordance with ss. 11.10 (1) and 11.18, the contributor may specify that the contribution shall be utilized for support of the candidate being supported by the committee.

(c) Except for transfers of membership-related moneys between committees of the same political party and transfers made pursuant to escrow agreements authorized under sub. (5), no committee may act as a conduit for the earmarked contributions of

others. Transfers of membership-related moneys between political party committees shall be treated in the same manner as other transfers.

SECTION 30. 11.16 (5) of the statutes is created to read:

11.16 (5) **ESCROW AGREEMENTS.** Any personal campaign committee, political party committee or legislative campaign committee may, pursuant to a written escrow agreement with more than one candidate, solicit contributions for and conduct a joint fund raising effort or program on behalf of more than one named candidate. The agreement shall specify the percentage of the proceeds to be distributed to each candidate by the committee conducting the effort or program. The committee shall include this information in all solicitations for the effort or program. All contributions received and disbursements made by the committee in connection with the effort or program shall be received and disbursed through a separate depository account under s. 11.14 (1) that is identified in the agreement. For purposes of s. 11.06 (1), the committee conducting the effort or program shall prepare a schedule in the form prescribed by the board supplying all required information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6) for the effort or program, and shall transmit a copy of the schedule to each candidate who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

SECTION 31. 11.18 of the statutes is created to read:

**11.18 Support committee.** (1) A committee may be organized to support the prospective candidacy of an individual. No such committee authorized under s. 11.05 (3) (p) may be organized during a period in which the individual on whose behalf the committee is organized is registered as a candidate or has a personal campaign committee registered on his or her behalf.

(2) A committee organized under sub. (1) shall register under s. 11.05 as a support committee.

(3) A support committee authorized under s. 11.05 (3) (p) may not act on behalf of more than one individual but may make a contribution to another committee. No more than one support committee authorized under s. 11.05 (3) (p) may be organized on behalf of the same individual. Any subcommittee of a support committee authorized under s. 11.05 (3) (p) shall be authorized by the individual on whose behalf the subcommittee acts. Any committee which is organized or acts with the cooperation of or upon consultation with a support committee or the individual on whose behalf a support committee is organized or which acts in concert with or at the request or suggestion of a support committee or the individual on whose behalf a support committee is organized is deemed a subcommittee of the support committee.

(4) Notwithstanding s. 11.12 (1), a support committee may make direct disbursements from its campaign

depository account to pay for the expenses incurred for a political purpose to support the prospective candidacy of an individual on whose behalf it is organized during a period in which the committee is permitted to operate under sub. (1).

(5) Except as provided in s. 11.25 (2) (b), no support committee authorized under s. 11.05 (3) (p) may utilize a contribution for a purpose not authorized under sub. (1).

(6) If an individual on whose behalf a support committee is authorized to operate under s. 11.05 (3) (p) becomes a candidate, the committee shall be adopted by the candidate as his or her personal campaign committee. A support committee which files a statement under s. 11.06 (7) may not be adopted by a candidate as a personal campaign committee.

SECTION 32. 11.19 (2) of the statutes is amended to read:

11.19 (2) Notwithstanding sub. (1), any registrant who or which determines that obligations will no longer be incurred, contributions will no longer be made or received or disbursements made during a calendar year in an aggregate amount of more than \$500 \$1,000 may file a suspension report with the appropriate filing officer. The report shall be filed and certified as were previous reports and shall contain the information required under s. 11.06 (1). Upon receipt of a properly executed report, the registrant shall be granted a suspension of the filing requirement under s. 11.20 (9) by the appropriate filing officer. Such suspension is effective only for the calendar year in which it is granted, unless the registrant alters its status before the end of such year or files a termination report under sub. (1).

SECTION 32m. 11.20 (1) of the statutes is amended to read:

11.20 (1) ~~Except as provided in ss. 11.08 and 11.09 (3), all~~ All reports required by s. 11.06 which relate to activities which promote or oppose candidates for state office or statewide referenda and all reports under s. 11.08 shall be filed with the board. ~~All such~~ reports required by s. 11.06 which relate to activities which promote or oppose candidates for local office or local referenda shall be filed with the appropriate filing officer under s. 11.02, except reports filed under s. 11.08.

SECTION 33. 11.20 (3) (intro.) of the statutes is renumbered 11.20 (2).

SECTION 34. 11.20 (3) (a) and (b) of the statutes are amended to read:

11.20 (3) (a) A candidate ~~and~~ or personal campaign committee of a candidate at a primary shall file a preprimary and preelection report. If a candidate for a nonpartisan state office at an election is not required to participate in a primary, the candidate or personal campaign committee of the candidate shall file a preprimary report at the time prescribed in sub. (2)



preceding the date specified in s. 5.02 (20) or (22) for the holding of the primary, were it to be required.

(b) A candidate ~~and~~ or personal campaign committee of a candidate at an election shall file a preelection report.

SECTION 35. 11.20 (3) (e) of the statutes is repealed.

SECTION 36. 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 within 3 5 days of that date, and no later than 5 days after a petition is filed demanding the recall of the officer.

SECTION 37. 11.20 (5) and (6) of the statutes are repealed.

SECTION 38. 11.21 (11) (a) and (b) of the statutes are amended to read:

11.21 (11) (a) Preserve such reports and statements for a period of 4 6 years from date of receipt, ~~except that reports and statements relating solely to candidates for the U.S. house of representatives need be preserved for only 6 years from the date of receipt.~~

(b) Notwithstanding sub. (5), make each report and statement transmitted to it under s. ~~14.38 (7)~~ the federal election campaign act available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it is received from the secretary of state 48 hours from the time of receipt.

SECTION 39. 11.21 (12) of the statutes is repealed and recreated to read:

11.21 (12) Assign an identification number to each registrant for whom the board acts as a filing officer under s. 11.02.

SECTION 40. 11.21 (13) of the statutes is amended to read:

11.21 (13) 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. (12), the~~ The board 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 board shall send the notice to both persons.

SECTION 41. 11.215 of the statutes is repealed.

SECTION 42. 11.22 (1) of the statutes is amended to read:

11.22 (1) Obtain reporting forms, manuals and election laws provided by the board under ss. 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. ~~Fees shall be collected where required.~~

SECTION 43. 11.23 (6) of the statutes is amended to read:

11.23 (6) If any contribution ~~exceeding of~~ \$500 or more cumulatively is 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) (a), the treasurer of the group or the individual receiving ~~such~~ 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. ~~Contributions~~ For purposes of the reporting requirement under this subsection, contributions cumulate beginning with the day after the last date covered on the preelection report, and ending with the day before the election.

SECTION 43m. 11.24 (1m) of the statutes is created to read:

11.24 (1m) A conduit making a contribution in the manner prescribed in s. 11.06 (11) (a) does not violate sub. (1).

SECTION 43s. 11.25 (2) (b) of the statutes is amended to read:

11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions and make disbursements from a campaign depository account for the purpose of making expenditures in connection with a campaign for national office; for payment of civil penalties incurred by the registrant under this chapter; or for payment of the expenses of nonpartisan campaigns to increase voter registration or participation. Notwithstanding par. (a), a personal campaign committee or support committee may accept contributions and make disbursements from a campaign depository account for payment of inaugural expenses of an individual who is elected to state or local office. If such expenses are paid from contributions made to the campaign depository account, they are reportable under s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s. 11.06 (1). If contributions from the campaign depository account are used for such expenses, they are subject to s. 11.26.

SECTION 44. 11.26 (1) (cc) to (cw) of the statutes are created to read:

11.26 (1) (cc) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, \$3,000.

(cg) Candidates for court of appeals judge in other districts, \$2,500.

(cn) Candidates for circuit judge in circuits having a population of more than 300,000, \$3,000.

(cw) Candidates for circuit judge in other circuits, \$1,000.

SECTION 45. 11.26 (1) (d) and (2) (intro.) of the statutes are amended to read:

11.26 (1) (d) Candidates for ~~all other state and~~ local offices, an amount equal to the greater of 1) \$250; or 2) one cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$3,000.

(2) (intro.) No committee other than a political party committee or legislative campaign committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

SECTION 46. 11.26 (2) (cc) and (cg) of the statutes are created to read:

11.26 (2) (cc) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, \$3,000.

(cg) Candidates for court of appeals judge in other districts, \$2,500.

SECTION 47. 11.26 (2) (cm) of the statutes is repealed.

SECTION 48. 11.26 (2) (cn) and (cw) of the statutes are created to read:

11.26 (2) (cn) Candidates for circuit judge in circuits having a population of more than 300,000, \$3,000.

(cw) Candidates for circuit judge in other circuits, \$1,000.

SECTION 49. 11.26 (2) (d) of the statutes is repealed.

SECTION 50. 11.26 (2) (e), (4), (6) and (8) of the statutes are amended to read:

11.26 (2) (e) Candidates for ~~circuit judge, except as provided in par. (d), and~~ local offices, an amount equal to the greater of 1) \$200; or 2) three-fourths of one cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer; ~~or 3) one percent of the annual salary of the office sought, but not more than \$2,500.~~

(4) No individual may make any contribution or contributions to all candidates for state and local offices and to any individuals or committees acting in support of or in opposition to such candidates who 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.

(6) ~~If~~ When a candidate adopts a preexisting support committee as his or her personal campaign committee, ~~such preexisting the support~~ committee is deemed to have been the same committee as the candidate's personal campaign committee for purposes of the application of subs. (1), (2) and (9). The limitations prescribed in subs. (2) and (9) do not apply to the transfer of contributions which is made at the time of such adoption, but do apply to the contributions which have been made by any other committee to ~~such preexisting the support~~ committee at the time of adoption.

(8) (a) No political party as defined in s. 5.02 (13) may receive more than a total of \$75,000 in value of its contributions in any calendar year from all other committees, excluding contributions from legislative campaign committees and transfers between party committees of ~~such the~~ party.

(b) No such political party may receive more than a total of \$6,000 in value of its contributions in any calendar year from any specific committee or its subunits or affiliates, excluding legislative campaign and political party committees.

(c) No committee, other than a political party or legislative campaign committee, may make any contribution or contributions, directly or indirectly, to a political party under s. 5.02 (13) in a calendar year exceeding a total value of \$6,000.

SECTION 51. 11.26 (9) 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% of the value of the total disbursement level specified in the schedule determined under s. 11.31 (4) 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. ~~A candidate for legislative office whose grants under s. 11.50 exceed the contribution limitation authorized by this paragraph may exceed the contribution limitation otherwise applicable to the extent required to accept the full amount of the total grants received by the candidate, but any contributions received and accepted by such a candidate from committees reduce the amount of the grants which the candidate may accept by an amount equal to such contributions.~~

Vetoed  
in Part

(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 specified in the schedule determined under s. 11.31 (4) 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 committees subject to a filing requirement. ~~This paragraph does not apply to candidates for legislative office who qualify for a supplementary grant under s. 11.50 (4) (e).~~

Vetoed  
in Part

(c) For purposes of ~~this subsection pars. (a) and (b)~~, a "committee" includes the Wisconsin election campaign fund.

SECTION 52. 11.26 (12m) of the statutes is created to read:

11.26 (12m) For purposes of this section, a contribution received from a conduit identified in the manner prescribed in s. 11.06 (11) (a) shall be considered a contribution received from the original contributor.

SECTION 55. 11.26 (17) (c), (d) and (e) of the statutes are amended to read:

11.26 (17) (c) In the case of a candidate who has been a candidate in a previous election for which he or she continues to be registered under s. 11.05, the "campaign" of the candidate begins on the day after the closing date for the period covered by the first financial report filed by or on behalf of the candidate subsequent to the date of the previous election, or if the candidate has incurred obligations from a previous campaign, the date on which the candidate receives sufficient contributions to retire those obligations, whichever is later, except that the "campaign" of a candidate at a special election begins when the candidate or the candidate's personal campaign committee is required to file or change the information on a registration statement as a result of the candidacy.

(d) In the case of any candidate at the spring primary or election or the September primary or general election, the "campaign" of the candidate ends on the last day of the month following the month in June 30 or December 31 following the date on which the election or primary is held in which the candidate is elected or defeated, or the date on which the candidate receives sufficient contributions to retire any obligations incurred in connection with that contest, whichever is later. In the case of any candidate at a special primary or election, the "campaign" of the candidate ends on the last day of the month following the month in which the primary or election is held in which the candidate is elected or defeated, or the date on which the candidate receives sufficient contributions to retire any obligations incurred in connection with that contest, whichever is later.

(e) The campaign of a candidate in a future election who has incurred obligations from a previous campaign may begin before the candidate receives sufficient contributions to retire all obligations incurred in connection with the previous ~~contest~~ campaign, but may not begin before the day after the closing date for the period covered by the first financial report filed by or on behalf of the candidate subsequent to the date of the previous election except as provided for a special election under par. (c).

SECTION 55m. 11.26 (17) (f) of the statutes is created to read:

11.26 (17) (f) Notwithstanding pars. (b) to (d), contributions for inaugural expenses paid by a candidate, personal campaign committee or support committee

authorized under s. 11.05 (3) (p) from a campaign depository account are subject to the limitations of this section, but the registrant paying the expenses may elect to charge the contributions to a present or possible future campaign of the individual in connection with whose inauguration the expenses are paid.

SECTION 56. 11.265 (1) of the statutes is renumbered 11.265 (2) and amended to read:

11.265 (2) A legislative campaign committee, ~~which is a committee organized in either house of the legislature,~~ may accept no contributions and make no contributions or disbursements exceeding the amounts authorized for a political party under this chapter.

SECTION 57. 11.265 (1) of the statutes is created to read:

11.265 (1) No more than one legislative campaign committee may be established by the members of one political party in each house of the legislature.

SECTION 58. 11.265 (2) of the statutes is repealed.

SECTION 59. 11.30 (2) (a) to (c) of the statutes are amended to read:

11.30 (2) (a) The source of all every printed advertisements, billboards, handbills advertisement, billboard, handbill, sample ballots, paid ballot, television and or radio advertisements and advertisement or other communications shall clearly appear thereon if they are communication which is paid for by or through any contribution, disbursement or incurred obligation, except as exempted from reporting shall clearly appear thereon. This paragraph does not apply to communications for which reporting is not required under s. 11.06 (2).

(b) Every such communication the cost of which is paid for or reimbursed by a committee or group, or for which a committee or group assumes responsibility, whether by the acceptance of a contribution or by the making of a disbursement, shall be identified by the words "Paid for by" followed by the name of the committee or group making the payment or reimbursement or assuming responsibility for the communication and the name of the treasurer or other authorized agent of such committee or group. ~~A communication the cost of which is reimbursed by or for which responsibility is assumed by a committee or group shall carry the attribution of that committee or group.~~

(c) Every such communication which is directly paid for or reimbursed by an individual, including a candidate without a personal campaign committee who is serving as his or her own treasurer, or for which an individual assumes responsibility, whether by the acceptance of a contribution or by the making of a disbursement, shall be identified by the words "Paid for by" followed by the name of the candidate or other individual making the payment or reimbursement or assuming responsibility for the communication. ~~A communication the cost of which is reimbursed by an individual or for which an individual assumes respon-~~

~~sibility shall carry the attribution of that individual. No abbreviation may be used in identifying the name of a committee or group under this paragraph.~~

SECTION 61. 11.30 (2) (f) of the statutes is amended to read:

11.30 (2) (f) This subsection does not apply to the preparation and transmittal of personal correspondence or the production, wearing or display of a single personal item which is not reproduced or manufactured by machine or other equipment for sale or distribution to more than one individual.

SECTION 62. 11.30 (2) (hm) of the statutes is created to read:

11.30 (2) (hm) Notwithstanding pars. (a) to (c), any communication making a solicitation on behalf of more than one candidate for a joint fund raising effort or program pursuant to an escrow agreement under s. 11.16 (5) may omit the names of the candidates or personal campaign committees assuming responsibility for the communication if the communication discloses that a joint fund raising effort or program is being conducted on behalf of named candidates.

SECTION 62m. 11.30 (5) of the statutes is created to read:

11.30 (5) Whenever any person receives payment from another person, in cash or in-kind, for the direct or indirect cost of conducting a poll concerning support or opposition to a candidate, political party or referendum, the person conducting the poll shall, upon request of any person who is polled, disclose the name and address of the person making payment for the poll and, in the case of a registrant under s. 11.05, the name of the treasurer of the person making payment.

**Vetoed in Part** SECTION 63. 11.31 (1) (dm), (fm), (g) and (h) of the statutes are repealed.

SECTION 63m. 11.31 (2m) of the statutes is created 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.

SECTION 64. 11.31 (6) of the statutes is amended to read:

11.31 (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 recount expenses paid from the campaign depository account under s. 11.25 (2) (b) (c); all federal, state or local taxes paid; 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 65. 11.315 of the statutes is amended to read:

**11.315 Special advertisement by candidate.** Notwithstanding ss. 11.12 (1), 11.14, 11.16 (3), 11.26 and 11.31, a candidate may personally make a disbursement from personal funds within 15 days after the general election in which the candidate's name appears on the ballot for the purpose of placing a single advertisement not exceeding 15 column inches in any or all newspapers in the jurisdiction or district in which he or she is a candidate for the purpose of thanking supporters. ~~Such~~ The disbursement shall be reported by the candidate or the candidate's campaign treasurer under s. 11.06 (1). The advertisement shall be identified in accordance with s. 11.30 (2).

SECTION 66. 11.33 of the statutes is amended to read:

**11.33 Use of government materials by candidates. (1)** 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 the first day for circulation of nomination papers as a candidate ~~for national, state or local office~~, until after the date of the election or after the date of the primary election if such ~~the~~ person appears as a candidate on a primary election ballot and is not nominated.

(2) This section does not apply to use of public funds for the costs of answers to communications of constituents, when not done for a political purpose.

SECTION 67. 11.33 (2) (d) and (3) of the statutes are created to read:

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

(3) Except as provided in sub. (2), it is not a defense to a violation of sub. (1) that a person was not acting with a political purpose. This subsection applies irrespective of the distributor's intentions as to political office, the content of the materials, the manner of distribution, the pattern and frequency of distribution and the value of the distributed materials.

SECTION 68. 11.34 (1) of the statutes is amended to read:

11.34 (1) No person may demand, solicit, take, invite or receive from a candidate any payment for a contribution gift of any thing of value for a religious, charitable or fraternal cause or for any organization other than ~~for a state or county committee of a political party.~~ A committee or group. No candidate may

~~not make, intimate or promise such payment or contribution a gift.~~

SECTION 69. 11.36 (5) of the statutes is created to read:

11.36 (5) In this section, "political purpose" includes an act done for the purpose of influencing the election or nomination for election of a person to national office, and "contribution" includes an act done for that purpose.

SECTION 70. 11.37 of the statutes is amended to read:

**11.37 (title) Travel by public officers.** (1) No person may use any vehicle or aircraft owned by the state or by any local governmental unit for any trip which is exclusively for the purposes of campaigning in support of or in opposition to any candidate for national, state or local office, unless use of the vehicle or aircraft is required for purposes of security protection provided by the state or local governmental unit.

(2) No person may use any ~~state-owned~~ vehicle or aircraft ~~primarily~~ owned by the state or by any local governmental unit for the purposes of which include campaigning in support of or in opposition to any candidate for national, state or local office, unless the person pays to the state or local governmental unit a fee ~~prescribed by the secretary of administration~~ which is comparable to the commercial market rate for the use of a similar vehicle or aircraft ~~of similar design~~. Such fees and for any services provided by the state or local governmental unit to operate the vehicle or aircraft. If a trip is made in part for a public purpose and in part for the purpose of campaigning, the person shall pay for the portion of the trip attributable to campaigning, but in no case less than 50% of the cost of the trip. The portion of the trip attributable to campaigning shall be determined by dividing the number of appearances made for campaign purposes by the total number of appearances. Fees payable to the state shall be prescribed by the secretary of administration and shall be deposited in the account under s. 20.855 (6) (h). Fees payable to a local governmental unit shall be prescribed by the governing body of the governmental unit.

SECTION 71. 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 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 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 corporation or association may not expend more than \$500 annually for solicitation of contributions to a fund established under this subdivision.

SECTION 72. 11.38 (8) (c) of the statutes is amended to read:

11.38 (8) (c) Expenditures by a corporation or association to establish and administer a campaign depository account of a political group need not be made through the depository account and need not be reported.

SECTION 73. 11.50 (2) (a), (b) 5, (c), (h) and (i) 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 ~~in~~ under s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with ~~such~~ such the limitations at all times to which ~~such~~ such the limitations apply to his or her candidacy for the office in contest, except as authorized in par. (h) or (i).

(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 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 special election 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.

(c) If a candidate has not filed financial reports as of the date of the spring primary, September primary, special primary, or date that the special primary would be held, if required, which indicate that he or she has met the qualification under par. (b) 5, the candidate may file a special report with the board. Such report shall be filed not later than the 7th day after the primary, or 7th day after the date the primary would be held, if required, and shall include ~~all information required under s. 11.06 (1), including any such~~ supplementary information as to sources of contributions which may be necessary to complete the candidate's qualification. The special report shall cover the period from the day after the last date covered on the candidate's most recent report, or from the date on which the first contribution was received or the first disbursement was made, whichever is earlier, if the candidate has not previously filed a report, to the date of such report. All information included on the special report shall also be included in the candidate's next report under s. 11.20.

(h) An eligible candidate who files an application under par. (a) may file a written withdrawal of the application, ~~together with a sworn statement that he or she will no longer subscribe to the statement filed with the application.~~ A withdrawal of an application may be filed with the board no later than the 7th day after the day of the primary in which the person withdrawing the application is a candidate or the 7th day after the date that the primary would be held, if required. If an application is withdrawn in accordance with this paragraph, the person withdrawing the application is no longer bound by the statement filed under par. (a) after the date of the withdrawal.

(i) Notwithstanding par. (g), if an eligible candidate at the spring election or a special nonpartisan election who accepts a grant is opposed by a candidate one or more candidates in the spring or general election or a special election, and in the case of a or if an eligible candidate at the September primary general election or a special partisan primary, the eligible candidate's opponent received election who accepts a grant is opposed by one or more candidates in the election who receive at least 6% of the vote cast for all candidates for the same office on all ballots at the September primary or a special partisan primary if a primary

was held, and in either case if any such opponent of the eligible candidate's opponent does not receive or accept candidate does not accept a grant under this section in whole or in part, the eligible candidate is not bound by the pledge made in his or her application to adhere to the contribution limitations prescribed in s. 11.26 and the disbursement limitation prescribed under s. 11.31, unless each such opponent files an affidavit of voluntary compliance under s. 11.31 (2m).

SECTION 74. 11.50 (3) of the statutes is renumbered 11.50 (3) (a).

SECTION 75. 11.50 (3) (b) of the statutes is created to read:

11.50 (3) (b) If a vacancy occurs in the office of state superintendent or justice after August 15 in any year and an election is scheduled to fill the vacancy at the spring election in the following year, the state treasurer shall transfer an amount not exceeding 8% of the moneys transferred to the fund on the preceding August 15 to the account for the office in which the vacancy occurs, such moneys to be drawn from any account within the accounts created under sub. (4) in the amount or amounts specified by the board.

~~SECTION 75g. 11.50 (4) (c) and (d) of the statutes are amended to read:~~

~~11.50 (4) (c). The legislative and special election campaign account shall be divided into a senate campaign account to receive 25% of the moneys, and an assembly campaign account to receive 75% of the moneys. Each account shall then be apportioned between all eligible candidates for the same office in the entire state. No apportionment shall be made by legislative district, except as provided in par. (e).~~

~~(d) Within the accounts established under this subsection for each office at each general election, the entire amount of all available moneys shall be apportioned equally to all eligible candidates, except as provided in par. (e).~~

~~SECTION 75r. 11.50 (4) (e) of the statutes is created to read:~~

~~11.50 (4) (e). If an eligible candidate for legislative office is opposed by a candidate who meets the applicable vote qualification requirement under sub. (1) (a), and the eligible candidate's opponent does not qualify for or accept a grant in whole or in part, the eligible candidate shall receive a supplementary grant equivalent to the maximum amount of the grant available to candidates for that office at that election.~~

SECTION 76. 11.50 (7), (8) and (9) of the statutes are amended to read:

11.50 (7) UTILIZATION. Grants distributed under this section may be utilized only for deposit in a campaign depository account under s. 11.10. Grants may be expended only for ~~the purchase of services from a communications medium or printer, and for office supplies and postage~~ one or more of the following:

(a) Purchase of services from a communications medium.

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in Part

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(b) Printing, graphic arts or advertising services.

(c) Office supplies.

(d) Postage.

(8) LAPSING GRANTS. All grants disbursed under sub. (5) remain the property of the state until disbursed or encumbered for a lawful purpose. ~~All grants and all private contributions which grant moneys that are unspent and unencumbered by any a candidate on the day after the election in which the candidate participates shall revert to the state, up to the total amount of grants awarded to the candidate. All deposits and refunds derived from grant moneys that are received by a candidate at any time after the day of the election in which the candidate participates shall revert to the state. All reversions shall be returned to the board by the candidate and shall be deposited in the fund. Any other contributions in excess of this amount shall be treated in the same manner as excess contributions of candidates not receiving grants.~~

**Vetoed in Part** (9) (title) LIMITATION ON GRANTS. The total grant available to ~~any an eligible candidate in an election who does not receive a supplementary grant under sub. (4) (c)~~ **Vetoed in Part** ~~under sub. (4) (c)~~ may not exceed that amount which, when added to all other contributions accepted from sources other than individuals and committees of a political party, is equal to 45% of the disbursement level specified for the applicable office in the schedule under s. 11.31 (4). ~~The total grants available to an eligible candidate who receives a supplementary grant under sub. (4) (c) may not exceed the amount authorized under s. 11.26 (9) (a).~~ 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.

SECTION 77. 11.50 (10m) of the statutes is created to read:

11.50 (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 or the 3rd Tuesday preceding a special election.

SECTION 78. 11.50 (11) (e) and (12) of the statutes are amended to read:

11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur any obligation to expend any grant if he or she violates the pledge required under sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h) or (i).

(12) PROOF OF PAYMENT. No later than ~~30 days after each~~ 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 any a grant, the

candidate or his or her campaign treasurer shall deliver or transmit to the board by ~~first~~ 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 79. 11.50 (13) of the statutes is created to read:

11.50 (13) DONATIONS TO FUND. Any committee or other person may make an unrestricted contribution to the fund by gift, bequest or devise.

SECTION 80. 11.60 (1) to (3) of the statutes are amended to read:

11.60 (1) Any person, including any committee or group, who violates this chapter may be required to forfeit not more than \$500 for each violation.

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

(3) Notwithstanding sub. (1), ~~whoever~~ any person, including any committee or group, who makes any contribution in violation of this chapter may be required to forfeit treble the amount of the contribution or portion thereof which is illegally contributed.

SECTION 82. 11.61 (1) (a) of the statutes is amended to read:

11.61 (1) (a) Whoever intentionally violates ~~ss. s.~~ 11.05 (1), (2), (2g) ~~and or~~ (2r), 11.07 (1) ~~and or~~ (5), 11.10 (1), 11.12 (5), 11.23 (6) ~~and or~~ 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years or both.

SECTION 83. 14.38 (7) of the statutes is repealed.

SECTION 83m. 15.61 of the statutes is amended to read:

**15.61 Elections board; creation.** There is created an elections board consisting of persons who shall be appointed by the governor for 2-year terms as follows: one member selected by the governor; one member each designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party as defined in s. 5.02 (13) qualifying for a separate ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received at least 10% of the vote in the most recent gubernatorial election.

SECTION 84. 20.510 (1) (q) of the statutes is amended to read:

20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing appropriation, from the Wisconsin election campaign fund, the moneys ~~certified under s. 71.095 (2) determined under s. 11.50~~ to provide for payments to eligible candidates certified under s. 44.50 7.08 (2) (c).

SECTION 85. 25.42 of the statutes is amended to read:

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

SECTION 85m. 71.095 (2) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

71.095 (2) The secretary of revenue shall provide a place for those designations on the face of the individ-

ual income tax return and shall provide next to that place a statement that a designation will not increase tax liability. Annually on August 15, the secretary of revenue shall certify to the elections board, the department of administration and the state treasurer under s. 11.50 the total amount of designations made during the preceding fiscal year. If any individual attempts to place any condition or restriction upon a designation, that individual is deemed not to have made a designation on his or her tax return.

SECTION 86. **Terminology changes.** Wherever the term "campaign depository" appears in the following sections of the statutes, the term "campaign depository account" is substituted: 11.05 (3) (L), 11.10 (4), 11.23 (1), 11.25 (2) (c), 11.26 (5), 11.38 (8) (b) and 11.50 (3) (a) 1 and 2, as renumbered, and (5).

SECTION 87. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
14. 361	11. 215	none

SECTION 88. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
8. 35 (4) (d)	11. 20 (3)	11. 20 (2) or (4)
11. 20 (8) (intro.)	subs. (3), (4) and (4m)	subs. (2), (4) and (4m)
11. 20 (12)	subs. (3) and (4)	subs. (2) and (4)

SECTION 88m. **Initial applicability.** (1) The treatment of section 11.50 (7) of the statutes by this act first applies to grants distributed for the 1986 general election.

(3) The treatment of section 71.095 (2) of the statutes by this act first applies to income tax forms prepared for taxable year 1987.

SECTION 89. **Effective dates.** (1) Except as provided in subsections (2) to (4), this act takes effect on July 1, 1986.

(2) The treatment of section 11.16 (3) of the statutes takes effect on July 1, 1987.

(3) The treatment of sections 5.02, 5.05, 11.33, 11.34, 11.36, 11.37, 11.60 and 11.61 of the statutes and the creation of all new statutory units in those sections of the statutes take effect on the day after publication.

(4) The creation of section 11.06 (12) of the statutes takes effect on January 1, 1986.