



2009 ASSEMBLY BILL 388

August 18, 2009 – Introduced by Representatives POPE-ROBERTS, BERCEAU, BLACK, HIXSON, HEBL, ZIGMUNT, CLARK, KESSLER, MOLEPSKE JR., PARISI and KAUFERT, cosponsored by Senators ERPENBACH, ELLIS, CARPENTER, LEHMAN, HOLPERIN, SCHULTZ, RISSER, HARSDORF, VINEHOUT, SULLIVAN and KAPANKE. Referred to Committee on Elections and Campaign Reform.

1 **AN ACT to repeal** 11.01 (12s), 11.01 (17g) and (17r), 11.05 (3) (o), 11.06 (3r), 11.06
2 (3w), 11.21 (17), 11.265, 11.31 (2m), 11.50 (2) (i), 11.50 (3) and 11.50 (4); **to**
3 **renumber** 11.24 (2), 11.50 (1) (a) 1. and 11.50 (1) (a) 2.; **to renumber and**
4 **amend** 11.01 (16) (b), 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (10), 11.50
5 (5) and 11.50 (9); **to amend** 5.02 (13), 7.08 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a)
6 1. a. and b., 8.35 (4) (b), 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b),
7 11.05 (12) (title), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06
8 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b),
9 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (2), 11.12
10 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (2), 11.16 (3), 11.16 (5), 11.19 (title), 11.19
11 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15),
12 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (1) (a), 11.26 (2)
13 (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26 (9) (a), 11.26 (9) (b),
14 11.26 (9) (b), 11.26 (13), 11.30 (4), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)

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1 (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8)
2 (b), 11.50 (1) (a) 1. a., 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50
3 (2) (g), 11.50 (5) (title), 11.50 (6), 11.50 (9) (title), 11.50 (11) (e), 11.50 (13), 11.60
4 (4), 11.61 (1) (a), 11.61 (2), 20.511 (1) (q), 20.855 (4) (b), 25.42, 71.10 (3) (a), 71.10
5 (3) (a) and 71.10 (3) (b); **to repeal and recreate** 11.05 (9) (title) and 11.26 (2)
6 (an); and **to create** 7.08 (2) (cs), 11.001 (1m), 11.001 (2m), 11.01 (12v), 11.01
7 (12w), 11.01 (13), 11.01 (14), 11.01 (16) (a) 3., 11.01 (16) (a) 4., 11.01 (16) (b) 2.,
8 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.05 (3) (s), 11.05 (5r), 11.06
9 (2m) (title), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and
10 (9), 11.24 (4), 11.26 (1) (am), 11.26 (2) (ad), 11.26 (2) (am), 11.26 (2) (an), 11.26
11 (2) (au), 11.26 (9) (ba), 11.26 (10) (b), 11.31 (3p), 11.31 (9), 11.38 (1m), 11.50 (1)
12 (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (1)
13 (e), 11.50 (2) (bm), 11.50 (2s), 11.50 (2w), 11.50 (4e), 11.50 (5) (b) and (c), 11.50
14 (9) (ba) and (bb), 11.50 (14), 11.501 to 11.522, 11.60 (3s) and (3u), 20.511 (1) (r),
15 20.585 (1) (q), 20.585 (1) (r), 20.855 (4) (ba), 20.855 (4) (bb), 20.855 (4) (bc), 25.17
16 (1) (cm), 25.421, 71.07 (6n), 71.10 (4) (ds) and 806.041 of the statutes; **relating**
17 **to:** campaign financing, designations for the Wisconsin election campaign fund
18 by individuals filing state income tax returns, creating a nonrefundable
19 individual income tax credit for contributions to the Public Integrity
20 Endowment, candidate time on public broadcasting television stations and
21 public access channels, staffing of the Government Accountability Board;

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- 1 providing exemptions from emergency rule procedures; granting rule-making
2 authority; making appropriations; and providing penalties.
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Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the income tax laws, the lobbying regulation law, and the staffing of the Government Accountability Board.

FILING OF CAMPAIGN FINANCE REPORTS***Exemptions from registration and reporting***

Currently, with certain limited exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes or transfers disbursements (expenditures), or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

Currently, a new registrant is generally prohibited from making a contribution or disbursement from property or funds received prior to the date of registration, except that, if a registrant holds property or funds at the time of registration that were not intended for political purposes in connection with an election for state or local office at the time that they were received, the registrant may report the property or funds as received on the date of registration and may then use the property or funds to make a contribution or disbursement.

This bill provides that no individual who or organization which is subject to a registration requirement may make any contribution prior to the date of registration. In addition, the bill provides that no registrant may accept any contribution from any individual who or organization which is subject to a registration requirement prior to the date of registration of that individual or organization.

Currently, a nonresident registrant need report only contributions and other income received from sources in this state and disbursements made and obligations incurred with respect to an election for state or local office in this state. This bill deletes this exception to reporting requirements. The bill also requires nonresident registrants to include in their reports a separate statement of contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state and local office in this state. The change does not affect reporting by authorized committees of candidates for the office of U.S. senator or representative in Congress.

Currently, a national political party committee need not file reports for any period covered in a report filed by the committee with the Federal Election Commission. In addition, a state political party committee which is registered with the Federal Election Commission and which makes contributions to candidates for

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national office, as well as contributions to other state political party committees, need not file reports for any period covered by a report filed by the committee with the Federal Election Commission if the Government Accountability Board receives a copy of that report and the committee makes no contributions to any individual who or organization which is required to register with a filing officer under Wisconsin law. This bill deletes these exceptions to state reporting requirements.

Reporting thresholds

This bill provides that an individual who accepts contributions, makes disbursements, or incurs obligations or a group that makes or accepts contributions, makes disbursements, or incurs obligations in connection with one or more referenda is not subject to registration and reporting requirements until the individual or group engages in activity exceeding \$100 cumulatively within a calendar year.

The bill also permits an individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions, other than contributions made by a candidate to his or her own campaign, exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations independently of any candidate with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

Mass media activities

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election, makes any mass communication, including an electronic communication, a mass distribution, or a mass telephoning, that includes a reference to a candidate at that election, an office to be filled at that election, or a political party. The bill imposes registration and reporting requirements upon any individual who or organization that, at any time, makes any mass communication that refers to a candidate for judicial office and either focuses on and takes a position for or against a judicial candidate's position on an issue or takes a position on that judicial candidate's character, qualifications, or fitness for office. The bill also requires an individual who or organization that becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been

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registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers. In addition, the bill exempts from registration and reporting the cost of making a communication that 1) does not support or oppose a candidate's record on an issue; 2) does not mention an election, a candidacy, an opposing candidate, a political party, or voting by the general public; and 3) does not take a position on a candidate's or officeholder's character, qualifications, or fitness for office, and either a) focuses on and takes a position on a legislative or executive matter or issue and urges the public to adopt the position and to contact one or more public officials about the matter or issue, or b) proposes a commercial transaction, unless the communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a candidate for state or local office whose name is certified to appear on the ballot at the election.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

Special reporting by certain registrants

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 14th day prior to the primary or election. Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the Government Accountability Board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a public grant (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 75 percent of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports, by electronic mail or facsimile transmission, with the Government Accountability Board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The daily reports may be filed no later than 24 hours after each disbursement is made, and must include the

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information that is currently required to be reported pertaining to disbursements made by candidates. The daily reports must be filed during the time period beginning with the later of the date of the disbursement that triggers the requirement or the seventh day after the applicable primary election or the date that a primary would be held, if required, and ending with date of the election at which the candidate seeks office.

The bill also creates additional reporting requirements, applicable to certain special interest committees. Under the bill, reporting may be required of any special interest committee, other than a conduit, that makes any disbursement (as currently defined) or incurs any obligation independently of a candidate for the purpose of advocating the election or defeat of a clearly identified candidate for a major state office at the general or a special election or any applicable primary election. These additional reporting requirements do not apply to communications that are made by a corporation, cooperative, or nonpolitical voluntary association and that are limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers. Under the bill, the special interest committee must file these additional reports within 24 hours after a reportable transaction occurs.

Timeliness in filing reports

Currently, where a requirement is imposed under the campaign finance law for filing of a report by a specified date, the requirement may be satisfied by depositing the report with the U.S. Postal Service no later than the date provided by law for receipt of the report.

This bill permits satisfaction of the filing requirement only by delivering a report to the appropriate filing officer or agency on or before the date provided by law for receipt of the report or by depositing the report with the U.S. Postal Service no later than the third day before that date.

DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but declines to accept one. A candidate for state office who accepts a grant from the Wisconsin election campaign fund and who agrees to be bound by the disbursement limitation applicable to the office which the candidate seeks may receive a grant equal to 45 percent of that disbursement limitation, less contributions accepted by the candidate from committees other than political party and legislative campaign committees, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify.

Current law also imposes registration and financial reporting requirements on committees and individuals making disbursements independently of a candidate in support of or in opposition to a candidate for a state or local office. One requirement is the obligation of the committee or individual to file reports with the appropriate filing officer within 24 hours of making such a disbursement, if the disbursement is

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made less than 15 days before a primary or election and if the cumulative amount of such disbursements exceeds \$20.

This bill does the following:

1. It revises the current disbursement levels applicable to candidates for the offices shown below as follows:

<i>Office</i>	<i>Current Level</i>	<i>Proposed Level</i>
Governor	\$1,078,200	\$4,000,000
Lieutenant governor	323,475	500,000
Attorney general	539,000	700,000
Secretary of state	215,625	250,000
State treasurer	215,625	250,000
State superintendent	215,625	250,000
State senator	34,500	150,000
Representative to the assembly	17,250	75,000

2. It creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2010, in accordance with a formula tied to the "consumer price index" determined by the U.S. Department of Labor.

3. It provides that the current provision requiring reports of cumulative independent disbursements exceeding \$20 made later than 15 days prior to a primary or election does not apply to a committee or individual that is required to file a special report concerning the same disbursement (see above), nor to a committee or individual that is subject to an electronic filing requirement (see above).

4. It increases the disbursement limitation of any candidate who accepts a public grant by certain amounts for which matching grants from the Wisconsin election campaign fund are potentially available (see grant eligibility requirements and amounts, below). Under the bill, the disbursement limitation of the candidate accepting the grant is increased by a total amount equal to: 1) the amount or value of disbursements made by an opponent in excess of the disbursement limitation; and 2) the amount or value of independent disbursements made to expressly advocate the defeat of the candidate or the election of his or her opponents by special interest committees during election campaign periods, as reported to the Government Accountability Board.

5. It repeals the procedure by which a candidate who would not otherwise be subject to statutory disbursement limitations may voluntarily agree to comply with these limitations.

6. It repeals the exemption from disbursement and self-contribution limitations that currently applies to any candidate who accepts a grant from the Wisconsin election campaign fund and who is opposed by a major opponent who could have qualified for a grant but declines to accept one.

ASSEMBLY BILL 388**CONTRIBUTION LIMITATIONS**

Under current law, committees other than political party committees and legislative campaign committees are subject to limitations on the amount of contributions made cumulatively to a particular candidate. A committee may contribute up to \$43,238 to a candidate for statewide office. Current law also limits the cumulative amount of contributions that a committee may make annually to a particular political party, limits the cumulative amount of contributions that a political party may accept annually from a particular committee, and limits the aggregate total of contributions that a political party may accept during any biennium from all committees. Currently, a committee may annually contribute up to \$6,000 to a particular political party, a political party may annually accept up to \$6,000 from a particular committee, and a political party may accept up to \$150,000 in contributions from all committees during any biennium.

This bill establishes specified limitations on committee contributions to candidates for statewide office as follows: 1) candidates for governor, \$45,000; 2) candidates for lieutenant governor, \$15,000; 3) candidates for attorney general, \$25,000; and 4) candidates for secretary of state, state treasurer, or superintendent of public instruction, \$10,000. Under the bill, the limitation on committee contributions to a particular political party, and on the annual amount that a political party may accept from a particular committee, is increased to \$18,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$600,000.

Under current law, the aggregate contributions accepted by a candidate for state or local office from all committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 65 percent of the disbursement level or limitation for the office that the candidate seeks. In addition, the contributions received by a candidate for state or local office from all committees other than political party or legislative campaign committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 45 percent of the disbursement level or limitation for the office that the candidate seeks. This bill provides that the contributions received by a candidate for state or local office from all committees other than political party committees, when combined with any nonsupplemental grant received from the Wisconsin election campaign fund, may not exceed 35 percent of the disbursement level or limitation for the office that the candidate seeks. Under the bill, a candidate who qualifies to receive a supplemental grant from the Wisconsin election campaign fund (see below) may exceed aggregate committee contribution limitations by an amount equal to the amount of the supplemental grant. The bill makes the aggregate contribution limits inapplicable to a candidate for the office of justice of the supreme court who receives a public financing benefit from the democracy trust fund (see below).

Under current law, a candidate who accepts a grant from the Wisconsin election campaign fund may not make contributions to his or her own campaign in an amount or value greater than 200 percent of the contribution limitation that applies to individuals making contributions to his or her campaign. Under the bill, if a candidate's disbursement limitation is increased as a result of disbursements made

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by an opposing candidate or independent disbursements or obligations made or incurred by others, this self-contribution limitation is increased by an amount equal to the ratio that the contribution limitation otherwise applicable to the candidate bears to the disbursement limitation otherwise applicable to the candidate, multiplied by the amount of the increased disbursement limitation authorized under the bill for that candidate.

TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES

Currently, the adherents of any political party in either house of the legislature may organize a "legislative campaign committee" to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

This bill eliminates the special status of legislative campaign committees, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations.

OTHER CONTRIBUTION RESTRICTIONS

This bill prohibits contributions to incumbent partisan state officials and candidates for partisan state office during the period from January 1 of an odd-numbered year through the date of enactment of the biennial budget act. The prohibition does not apply to contributions made to an incumbent who is subject to a recall election or to a nonincumbent candidate at a recall election beginning on the date on which a petitioner registers an intent to circulate a petition for a recall election against the incumbent and ending on the date of the recall election, except that if the circulation period expires without offering of the recall petition for filing, the filing officer determines not to file the petition, or the incumbent resigns, the period ends on the date of that event. The prohibition also does not apply to a candidate for a partisan state office at a special election. No similar provision exists currently.

Currently, if a registrant receives a contribution, the registrant must deposit the contribution in its campaign depository account no later than the end of the fifth business day commencing after receipt, unless the registrant returns the contribution before that time. A registrant must report the occupation and principal place of employment of any individual who makes any contribution or contributions to a registrant exceeding \$100 in amount or value cumulatively within a calendar year. This bill provides that whenever a registrant receives a contribution in the form of money the registrant must obtain this information from a contributor, if required, before depositing the contributor's contribution in its campaign depository account. Under the bill, if the registrant does not obtain the required information within the period prescribed for making deposits, the registrant must return the contribution.

ASSEMBLY BILL 388**DISPOSITION OF RESIDUAL OR EXCESS FUNDS**

Under current law, residual funds remaining when a person who is required to register under the campaign financing law disbands or ceases incurring obligations, making disbursements, or accepting contributions or excess funds received by a registrant that may not be legally expended may generally be used for any lawful political purpose, returned to the original contributors, or donated to a charitable organization or the common school fund.

This bill allows residual or excess funds to be transferred to the Wisconsin election campaign fund.

WISCONSIN ELECTION CAMPAIGN FUND***Sources and uses of funds***

Under current law, the Wisconsin election campaign fund is financed through an individual income tax “checkoff.” Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose. The amounts of grants may be reduced if insufficient moneys are available in the fund to finance full payment of all grants for which candidates qualify.

This bill does the following:

1. It increases the amount of the individual income tax checkoff for the Wisconsin election campaign fund from \$1 to \$5, effective for tax returns filed for taxable years beginning on or after January 1 following the day on which the bill becomes law. Under the bill, individuals filing a joint return may separately choose whether to make the \$5 checkoff. The bill also permits individuals to determine whether to designate their checkoffs for a “general account,” which is distributed to all candidates who qualify for a grant, or for the account of an eligible political party, which is distributed to all candidates representing that party who qualify for a grant. In addition, if there are insufficient moneys in these accounts to permit any candidate who qualifies for a grant from receiving the full amount for which the candidate qualifies, the bill provides for the deficiency to be drawn from state general purpose revenue.

2. It directs the legal counsel to the Government Accountability Board to take steps to incorporate a nonstock, nonprofit corporation to be known as the “Public Integrity Endowment.” The bill directs the legal counsel to ensure that the corporation is structured so that contributions made to the foundation will be tax deductible to the extent allowed by law. Under the bill, the sole purpose of the endowment is to solicit contributions for the purpose of supplementing the assets of the Wisconsin election campaign fund and transferring those contributions, after deduction of solicitation costs, to the general account of the fund. Currently, any person may make an unrestricted donation to the Wisconsin election campaign fund. The donation is tax deductible to the extent allowed by law. However, the fund does not solicit contributions.

ASSEMBLY BILL 388***Grant eligibility requirements and amounts***

Under current law, grants from the Wisconsin election campaign fund are available to finance specified campaign expenses of eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To receive a grant, a candidate must file an application with the state Government Accountability Board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least 6 percent of the total votes cast in the primary and have won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least 6 percent of the vote; or b) receive at least 6 percent of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court, or superintendent of public instruction, the amount is 5 percent of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is 10 percent of the authorized disbursement level for the office which the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless at least one of the candidate's opponents who received at least 6 percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is that amount which, when added to all other contributions accepted from sources other than individuals, political party committees, and legislative campaign committees, is equal to 45 percent of the authorized disbursement level for the office which the candidate seeks. No grants are available to finance campaign expenses in primary elections.

Currently, the Government Accountability Board must notify the state treasurer that a candidate has qualified to receive a grant as soon as possible after the board is able to determine that the candidate has qualified to receive the grant. The state treasurer then has three business days to transmit the grant to the candidate.

This bill does the following:

1. It provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 5 percent of the authorized

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disbursement level for the office which the candidate seeks in order to qualify for a grant, but provides that the contributions of \$100 or less from individuals used by a candidate for any state office to determine eligibility for a grant from the Wisconsin election campaign fund must be made by individuals who reside in this state and, in the case of a candidate for legislative office, at least 50 percent of those contributions must be made by individuals who reside in the district in which the candidate seeks office, except that a candidate may substitute contributions received from political party committees for not more than 50 percent of the contributions required to be received from residents of the district.

2. It provides that the maximum grant that a candidate for state office may receive is that amount which, when added to all other contributions accepted by the candidate from committees other than political party committees, is equal to 35 percent of the disbursement limitation for the office that the candidate seeks, unless the candidate qualifies to receive a supplemental grant (see below).

3. It provides that a candidate who accepts a grant shall receive a supplemental grant in a maximum amount equal to: 1) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by an opposing candidate who does not accept a grant; and 2) the total amount of any independent disbursements in close proximity to the election that are made by special interest committees to oppose that candidate, or to support that candidate's opponent, if that total amount exceeds 10 percent of the disbursement limitation for the office that the candidate seeks, except that the total supplemental grant received by a candidate may not exceed an amount equal to three times the disbursement limitation for the office that the candidate seeks.

4. It requires the state treasurer to electronically transmit supplemental grants to qualifying candidates who so request as soon as possible after the candidates qualify to receive the supplemental grants, but in no case later than the end of the third business day after the Government Accountability Board notifies the treasurer that a candidate has qualified to receive a grant.

PENALTIES FOR VIOLATIONS

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or 1 percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency.

Currently, whoever intentionally violates certain provisions of the campaign finance law, such as registration requirements, contribution limitations, the prohibition against making contributions in the name of another person, the prohibition against using contributions for most nonpolitical purposes, and the prohibition against filing false reports and statements, may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation does not exceed \$100 in amount or value, and may be fined not more than \$10,000 or

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imprisoned for not more than three years and six months, or both, if the violation exceeds \$100 in amount or value.

This bill provides that if any person, including a candidate or committee other than a conduit, makes a disbursement to support or oppose a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, or state superintendent of public instruction) without first reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any person, including any of these candidates or committees, makes one or more disbursements or other expenditures for such a purpose in an amount that is more or less than the amount reported by that person:

1. By more than 5 percent but not more than 10 percent, the person must forfeit four times the amount of the difference.
2. By more than 10 percent but not more than 15 percent, the person must forfeit six times the amount of the difference.
3. By more than 15 percent, the person must forfeit eight times the amount of the difference.

PUBLIC BROADCASTING TELEVISION STATIONS AND PUBLIC ACCESS CHANNELS

Current law requires that free time on public broadcasting television stations and public access channels be provided to candidates for state office. Under current law, the Federal Communications Commission grants licenses for the operation of public broadcasting television stations. Also under current law, a city, village, or town is authorized to grant a franchise to a person that allows that person to operate a cable television system in the city, village, or town. Under the franchise, the person may be required to provide cable television channels that the city, village, or town may use for public, educational, or governmental purposes. A channel that is used exclusively for public, rather than educational or governmental purposes, is commonly referred to as a public access channel. A city, village, or town may operate a public access channel, or a city, village, or town may allow another person to operate the channel. Current law requires the Government Accountability Board to promulgate rules that require licensees of public broadcasting stations and operators of public access channels to provide a minimum amount of free time to candidates for state office at general, spring, and special elections. The rules must require the same amount of time for each candidate for a particular state office, but may require different amounts of time for different offices.

This bill repeals these provisions.

INDIVIDUAL INCOME TAX CREDIT

This bill creates a nonrefundable individual income tax credit for contributions to the Public Integrity Endowment. Under the bill, an individual may claim as an income tax credit, up to the amount of the individual's income tax liability, any amount that he or she contributes to the Public Integrity Endowment. If a married couple files a joint return, each spouse may claim the credit.

PUBLIC FINANCING OF CAMPAIGNS FOR JUSTICE

This bill makes numerous changes in the campaign finance law affecting campaigns for the office of justice of the supreme court. The bill limits the application

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of the Wisconsin election campaign fund, under which eligible candidates for certain state offices (including justice of the supreme court) may currently receive public grants from state general purpose revenues derived from designations made by individuals filing state income tax returns, to state offices other than the office of justice. To finance elections for the office of justice of the supreme court, the bill creates a democracy trust fund, under which eligible candidates for this office may receive public grants derived from general purpose revenues.

Under the bill, a candidate for the office of justice of the supreme court may qualify for public financing from the democracy trust fund to finance a campaign in a primary or election by receiving qualifying contributions from at least 1,000 separate contributors who are electors of this state in amounts of not less than \$5 nor more than \$100 in an aggregate amount of at least \$5,000 but not more than \$15,000. A candidate who accepts public financing may also accept “seed money” contributions from electors of this state in amounts of \$100 or less, subject to aggregate limitations, and may contribute personal funds in specified amounts during specified periods. In order to qualify for a public financing benefit for the primary, a candidate at the spring primary must have an opponent who qualifies to have his or her name appear on the ballot at the primary, and in order to qualify for a public financing benefit for the spring election, a candidate at the election must have an opponent who qualifies to have his or her name appear on the ballot at the election. A candidate who accepts a public financing benefit may not accept any contributions other than qualifying and seed money contributions and contributions from personal funds within the limitations permitted. Public financing benefits for eligible candidates are \$100,000 in the spring primary and \$300,000 in the spring election. The benefits are subject to a biennial cost of living adjustment. A candidate who accepts more than a specified amount of qualifying or seed money contributions has the excess deducted from his or her public financing benefit. In addition, if a candidate’s opponent declines to accept a public financing benefit and makes expenditures in a total amount that exceeds by more than 5 percent the amount permitted for a candidate who accepts a public financing benefit, the candidate who accepts a public financing benefit receives additional funding equivalent to the excess expenditures made by his or her opponent, but may not receive more than three times the amount of the public financing benefit for the office that the candidate seeks. A candidate also receives additional public financing equivalent to any independent expenditures made against the candidate or in support of his or her opponents if those expenditures exceed by more than 20 percent the amount of the public financing benefit for the office that the candidate seeks, but may not receive more than three times the amount of that benefit.

The bill provides that if a candidate makes disbursements that exceed the total amount of the public financing benefit allocated to the candidate and the total qualifying and seed money contributions lawfully accepted by the candidate, the candidate is subject to a forfeiture (civil penalty) of not more than ten times the amount by which his or her disbursements exceed the allocation. In addition, the bill provides that a candidate who accepts contributions in excess of any limitation imposed under the bill is subject to a forfeiture of not more than ten times the amount

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by which the contributions exceed the applicable limitation. The bill also provides that if any candidate or agent of a candidate knowingly accepts more contributions than the candidate is entitled to receive, or makes disbursements exceeding the total amount of the public financing benefit received by the candidate and the qualifying and seed money contributions lawfully received by the candidate, the candidate or agent may be fined not more than \$25,000 or imprisoned for not more than ten years, or both. Under the bill, any person who, in connection with the receipt or disbursement of a public financing benefit, knowingly provides false information to the Government Accountability Board, or knowingly conceals or withholds information from the board, is subject to the same penalty.

Currently, a candidate for the office of justice of the supreme court may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign only (no funding is provided for primary campaigns). In order to qualify for a grant, a candidate must qualify to have his or her name appear on the spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. The maximum amount of a grant that a candidate may receive is \$97,031. This amount is not subject to any cost of living adjustment. In addition, this amount is reduced by the total amount of contributions received by a candidate from special interest committees and this amount may not be fully funded in a particular year if there are not sufficient moneys in the Wisconsin election campaign fund to provide full financing for all qualifying candidates. A candidate must agree to abide by spending and self-contribution limits in order to receive a grant, but this agreement does not apply if the candidate has an opponent who could have qualified for a grant but declines to do so and declines to file an affidavit of voluntary compliance with spending and self-contribution limits.

Currently, individuals and committees making political contributions to candidates for the office of justice of the supreme court are subject to limitations on the amount or value of any contribution or contributions that may be made cumulatively to any candidate in a campaign. The limitations are \$10,000 in the case of an individual making a contribution to a candidate and \$8,625 in the case of a committee making a contribution to a candidate. This bill replaces these limitations with a contribution limitation of \$1,000 applicable to an individual or committee making any contribution or contributions cumulatively during a campaign period to any candidate for the office of justice of the supreme court who is eligible to qualify for a public financing benefit but who declines to accept one.

The changes take effect on June 1, 2010.

NONSEVERABILITY

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that, if any of the following parts of the bill is unconstitutional, then all of the following parts are void: 1) parts relating to the reporting of certain expenditures and obligations by candidates and special interest committees; and 2) parts relating to the provision of supplemental grants to candidates whose opponents exceed disbursement limitations or who are opposed or whose opponents

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are supported by any reportable disbursements by candidates or independent disbursements or obligations, including those that are reportable under current law.

INITIAL APPLICABILITY

All campaign finance changes under the bill apply to elections held on or after December 1 following the date of publication of the act resulting from enactment of the bill, except that the directive to incorporate a Public Integrity Endowment takes effect on the day on which the bill becomes law. Under the bill, changes to the income tax checkoff and the creation of an individual income tax credit for contributions to the endowment apply to taxable years beginning on January 1 of the year in which the bill becomes law, if the bill becomes law by July 31, in any year, or otherwise to taxable years beginning on January 1 of the following year.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 5.02 (13) “Political party” or “party” means a state committee registered under
3 s. 11.05 and organized exclusively for political purposes under whose name
4 candidates appear on a ballot at any election, and all county, congressional,
5 legislative, local and other affiliated committees authorized to operate under the
6 same name. For purposes of ch. 11, the term does not include ~~a legislative campaign~~
7 ~~committee or~~ a committee filing an oath under s. 11.06 (7).

8 **SECTION 2.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

9 7.08 (2) (c) As soon as possible after the canvass of the spring and September
10 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
11 September, transmit to the state treasurer a certified list of all eligible candidates
12 for state office who have filed applications under s. 11.50 (2) and whom the board

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1 determines ~~to be~~ are eligible to receive ~~payments~~ grants from the Wisconsin election
2 campaign fund. The board shall also electronically transmit a similar list containing
3 the name of each candidate whom the board determines is eligible to receive a grant
4 under s. 11.50 (9) (ba) or (bb) within 24 hours after the candidate qualifies to receive
5 such a grant. Each list shall contain each candidate's name, the mailing address
6 indicated upon the candidate's registration form, the office for which the individual
7 is a candidate and the party or principle which he or she represents, if any.

8 (cm) As soon as possible after the canvass of a special primary, or the date that
9 the primary would be held, if required, transmit to the state treasurer a certified list
10 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
11 and whom the board determines to be eligible to receive ~~a grant~~ grants from the
12 Wisconsin election campaign fund prior to the election. The board shall also transmit
13 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
14 whom the board determines to be eligible to receive ~~a grant~~ grants under s. 11.50 (1)
15 (a) ~~2. 1. b.~~ after the special election. The board shall electronically transmit a similar
16 list containing the name of each candidate whom the board determines is eligible to
17 receive a grant under s. 11.50 (9) (ba) or (bb) within 24 hours after the candidate
18 qualifies to receive such a grant. Each list shall contain each candidate's name, the
19 mailing address indicated upon the candidate's registration form, the office for which
20 the individual is a candidate and the party or principle which he or she represents,
21 if any.

22 **SECTION 3.** 7.08 (2) (cs) of the statutes is created to read:

23 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the
24 period beginning with the month following certification and ending with the month
25 in which the next certification is made by the board:

ASSEMBLY BILL 388**SECTION 3**

1 1. No later than July 1, the name of each political party that qualifies under
2 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
3 state chairperson has filed a written request to establish an account for the party
4 under s. 11.50 (2s) (a).

5 2. No later than December 15, the name of each political party that qualifies
6 under s. 11.50 (1) (am) 2. as an eligible political party as of the date of the preceding
7 general election and whose state chairperson has filed a written request to establish
8 an account for the party under s. 11.50 (2s) (a).

9 **SECTION 4.** 8.30 (2) of the statutes is amended to read:

10 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
11 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable
12 deadline for filing nomination papers by ~~such~~ the candidate, or the deadline for filing
13 a declaration of candidacy for an office for which nomination papers are not filed, the
14 name of the candidate may not appear on the ballot. This subsection may not be
15 construed to exempt ~~a candidate~~ an individual from applicable penalties if the
16 individual is a candidate, as defined in s. 11.01 (1), and he or she files a registration
17 statement later than the time prescribed in ss. 11.01 (1) and s. 11.05 (2g).

18 **SECTION 5.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

19 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~
20 ~~if~~ If the former candidate was a partisan candidate ~~or, donated to the former~~
21 ~~candidate's local or state political party,~~ donated to the a charitable organization of
22 ~~the former candidate's choice or the charitable organization chosen, or transferred~~
23 ~~to the board for deposit in the Wisconsin election campaign fund, as instructed by the~~
24 former candidate or, if the candidate left no instruction, as instructed by the former

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1 candidate's next of kin if the former candidate is deceased, or if no choice is made
2 returned to the donors on a proportional basis; or

3 b. If the former candidate was a nonpartisan candidate, donated to the a
4 charitable organization of the former candidate's choice or the or the charitable
5 organization chosen or transferred to the board for deposit in the Wisconsin election
6 campaign fund, as instructed by the former candidate or, if the candidate left no
7 instruction, as instructed by the former candidate's next of kin if the former
8 candidate is deceased; or

9 **SECTION 6.** 8.35 (4) (b) of the statutes is amended to read:

10 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
11 received by a candidate from the Wisconsin election campaign fund shall be
12 immediately transferred to any candidate who is appointed to replace such
13 candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is
14 no candidate appointed or if no proper application is filed within 7 days of the date
15 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
16 11.50 (8). Notwithstanding par. (a), any unspent and unencumbered moneys
17 received by a candidate from the democracy trust fund shall be immediately
18 transferred to any candidate who is appointed to replace that candidate upon filing
19 of a proper application therefor under s. 11.502 (1). For purposes of qualification,
20 contributions received and disbursements made by the former candidate are
21 considered to have been received or made by the replacement candidate. If there is
22 no candidate appointed or if no proper application is filed within 7 days of the date
23 on which a vacancy occurs, the moneys shall revert to the state.

24 **SECTION 7.** 8.35 (4) (c) and (d) of the statutes are amended to read:

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1 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
2 made and reported to the appropriate filing officer in a special report submitted in
3 ~~a special report submitted~~ by the former candidate's campaign treasurer. If the
4 former candidate is deceased and was serving as his or her own campaign treasurer,
5 the former candidate's petitioner or personal representative shall ~~file the report and~~
6 ~~make the transfer required by par. (b), if any~~ and file the report. The report shall be
7 made at the appropriate interval under s. 11.20 (2) or (4) or in the manner required
8 under s. 11.21 (16), if applicable, and shall include a complete statement of all
9 contributions, disbursements and incurred obligations pursuant to s. 11.06 (1)
10 covering the period from the day after the last date covered on the former candidate's
11 most recent report to the date of disposition.

12 (d) The newly appointed candidate shall file his or her report at the next
13 appropriate interval under s. 11.20 (2) or (4) after his or her appointment or in the
14 manner required under s. 11.21 (16), if applicable. The appointed candidate shall
15 include any transferred funds moneys in his or her first report.

16 **SECTION 8.** 11.001 (1m) of the statutes is created to read:

17 11.001 (1m) The legislature finds and declares that the function of judges and
18 justices, who must independently apply the law, is fundamentally distinct from that
19 of elective legislative and executive branch officials who take positions on issues that
20 are influenced by, and represent the will of, their constituencies. The legislature
21 therefore finds that because it is improper for a mass communication to seek to
22 persuade a judge or justice to take a position on an issue, any such communication
23 should be deemed to have been made for a political purpose.

24 **SECTION 9.** 11.001 (2m) of the statutes is created to read:

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1 11.001 **(2m)** The legislature finds a compelling justification for minimal
2 disclosure of all communications made near the time of an election that include a
3 reference to a clearly identified candidate at that election, an office to be filled at that
4 election, or a political party in order to permit increased funding for candidates who
5 are affected by those communications. The legislature finds that this minimal
6 disclosure burden is outweighed by the need to establish an effective funding
7 mechanism for affected candidates to effectively respond to communications that
8 may impact an election.

9 **SECTION 10.** 11.01 (12s) of the statutes is repealed.

10 **SECTION 11.** 11.01 (12v) of the statutes is created to read:

11 11.01 **(12v)** “Mass communication” means a message that is disseminated by
12 means of one or more communications media, a mass electronic communication, a
13 mass distribution, or a mass telephoning, but not including a bona fide poll
14 conducted for the purpose of objectively identifying or collecting data concerning the
15 attitudes or preferences of electors.

16 **SECTION 12.** 11.01 (12w) of the statutes is created to read:

17 11.01 **(12w)** “Mass distribution” means the distribution of 50 or more pieces of
18 substantially identical material.

19 **SECTION 13.** 11.01 (13) of the statutes is created to read:

20 11.01 **(13)** “Mass electronic communication” means the transmission of 50 or
21 more pieces of substantially identical material by means of electronic mail or
22 facsimile transmission.

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

24 11.01 **(14)** “Mass telephoning” means the making of 50 or more telephone calls
25 conveying a substantially identical message.

ASSEMBLY BILL 388**SECTION 15**

1 **SECTION 15.** 11.01 (16) (a) 3. of the statutes is created to read:

2 11.01 **(16)** (a) 3. Except for purposes of s. 11.38 (1m), a mass communication,
3 other than a communication that is exempt from reporting under s. 11.29, that is
4 made during the period beginning on the 60th day preceding an election and ending
5 on the date of that election, and that includes a reference to a candidate whose name
6 is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that election,
7 a reference to an office to be filled at that election, or a reference to a political party.

8 **SECTION 16.** 11.01 (16) (a) 4. of the statutes is created to read:

9 11.01 **(16)** (a) 4. A mass communication that refers to a judicial office and either
10 focuses on and takes a position for or against a judicial candidate’s position on an
11 issue or takes a position on that judicial candidate’s character, qualifications, or
12 fitness for office.

13 **SECTION 17.** 11.01 (16) (b) of the statutes is renumbered 11.01 (16) (b) (intro.)
14 and amended to read:

15 11.01 **(16)** (b) (intro.) A “political purpose” does not include expenditures any
16 of the following:

17 1. An expenditure made for the purpose of supporting or defending a person
18 who is being investigated for, charged with or convicted of a criminal violation of state
19 or federal law, or an agent or dependent of such a person.

20 **SECTION 18.** 11.01 (16) (b) 2. of the statutes is created to read:

21 11.01 **(16)** (b) 2. Unless the communication is susceptible of no reasonable
22 interpretation other than as an appeal to vote for or against a candidate whose name
23 is certified to appear on a ballot at an election, a mass communication that either
24 focuses on and takes a position on a legislative or executive issue and urges the public

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1 to adopt the position and to contact one or more public officials about the issue or
2 proposes a commercial transaction and does not do any of the following:

- 3 a. Support or oppose a candidate's record on an issue.
- 4 b. Mention an election, a candidacy, an opposing candidate, a political party,
5 or voting by the general public.
- 6 c. Take a position on a candidate's character, qualifications, or fitness for office.

7 **SECTION 19.** 11.01 (17g) and (17r) of the statutes are repealed.

8 **SECTION 20.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
9 to read:

10 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
11 a personal campaign committee, and every political group subject to registration
12 under s. 11.23 which that makes or accepts contributions, incurs obligations, or
13 makes disbursements in a calendar year in an aggregate amount in excess of \$25
14 shall file a statement with the appropriate filing officer giving the information
15 required by sub. (3). ~~In the case of any committee other than a personal campaign~~
16 ~~committee, the~~ The statement shall be filed by the treasurer. A personal campaign
17 committee shall register under sub. (2g) ~~or (2r)~~.

18 **SECTION 21.** 11.05 (1) (b) of the statutes is created to read:

19 11.05 (1) (b) Every political group subject to registration under s. 11.23 that
20 makes or accepts contributions, incurs obligations, or makes disbursements in a
21 calendar year in an aggregate amount in excess of \$100 shall file a statement with
22 the appropriate filing officer giving the information required by sub. (3).

23 **SECTION 22.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
24 to read:

ASSEMBLY BILL 388**SECTION 22**

1 11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than
2 a candidate or agent of a candidate, who accepts contributions, incurs obligations,
3 or makes disbursements with respect to one or more elections for state or local office
4 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with
5 the appropriate filing officer giving the information required by sub. (3). An
6 individual who guarantees a loan on which an individual, committee or group subject
7 to a registration requirement defaults is not subject to registration under this
8 subsection paragraph solely as a result of such default.

9 **SECTION 23.** 11.05 (2) (b) of the statutes is created to read:

10 11.05 (2) (b) Every individual who accepts contributions, incurs obligations, or
11 makes disbursements with respect to one or more referenda in a calendar year in an
12 aggregate amount in excess of \$100 shall file a statement with the appropriate filing
13 officer giving the information required by sub. (3).

14 **SECTION 24.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and
15 amended to read:

16 11.06 (2m) (a) Any person, committee or group, other than ~~a committee or an~~
17 individual or committee required to file an oath under s. ~~11.06 (7) sub. (7)~~, who or
18 which does not anticipate accepting contributions, making disbursements, or
19 incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year
20 and does not anticipate accepting any contribution or contributions from a single
21 source, other than contributions made by a candidate to his or her own campaign,
22 exceeding \$100 in ~~that~~ any calendar year may indicate on its registration statement
23 that the person, committee, or group will not accept contributions, incur obligations,
24 or make disbursements in the aggregate in excess of \$1,000 in any calendar year and
25 will not accept any contribution or contributions from a single source, other than

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1 contributions made by a candidate to his or her own campaign, exceeding \$100 in
2 such any calendar year. Any registrant making such an indication is not subject to
3 any filing requirement if the statement is true. The registrant need not file a
4 termination report. A registrant not making such an indication on a registration
5 statement is subject to a filing requirement. The indication may be revoked and the
6 registrant is then subject to a filing requirement as of the date of revocation, or the
7 date that aggregate contributions, disbursements, or obligations for the calendar
8 year exceed \$1,000, or the date on which the registrant accepts any contribution or
9 contributions exceeding \$100 from a single source, other than contributions made by
10 a candidate to his or her own campaign, during ~~that~~ any calendar year, whichever
11 is earlier. ~~If the revocation is not timely, the registrant violates s. 11.27 (1).~~

12 **SECTION 25.** 11.05 (3) (c) of the statutes is amended to read:

13 11.05 (3) (c) In the case of a committee, a statement as to whether the
14 committee is a personal campaign committee, a political party committee, ~~a~~
15 ~~legislative campaign committee,~~ a support committee, or a special interest
16 committee.

17 **SECTION 26.** 11.05 (3) (m) of the statutes is created to read:

18 11.05 (3) (m) In the case of a personal campaign committee, the name of the
19 candidate on whose behalf the committee was formed or intends to operate and the
20 office or offices that the candidate seeks.

21 **SECTION 27.** 11.05 (3) (o) of the statutes is repealed.

22 **SECTION 28.** 11.05 (3) (r) of the statutes is created to read:

23 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
24 candidate, the telephone number or numbers and a facsimile transmission number
25 or electronic mail address, if any, at which the candidate may be contacted.

ASSEMBLY BILL 388**SECTION 29**

1 **SECTION 29.** 11.05 (3) (s) of the statutes is created to read:

2 11.05 (3) (s) In the case of a registrant that has made a mass communication
3 identified in s. 11.01 (16) (a) 3. or 4., a report containing the information specified in
4 s. 11.06 (1) with respect to any obligation to make a disbursement incurred or any
5 disbursement made for the purpose of making such a communication prior to
6 registration.

7 **SECTION 30.** 11.05 (5) of the statutes is amended to read:

8 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
9 submitted in a statement of registration shall be reported by the registrant to the
10 appropriate filing officer within 10 days following the change. This period does not
11 apply in case of change of an indication made under ~~sub. (2r)~~ s. 11.06 (2m), which
12 shall be reported no later than the date that a registrant is subject to a filing
13 requirement under ~~sub. (2r)~~ s. 11.06 (2m). Any such change may be reported only by
14 the individual or by the officer who has succeeded to the position of an individual who
15 signed the original statement; but in the case of a personal campaign committee, a
16 candidate or campaign treasurer may report a change in the statement except as
17 provided in s. 11.10 (2), and in the case of any other committee or group, the chief
18 executive officer or treasurer indicated on the statement may report a change. If a
19 preexisting support committee is adopted by a candidate as his or her personal
20 campaign committee, the candidate shall file an amendment to the committee's
21 statement under this subsection indicating that all information contained in the
22 statement is true, correct and complete.

23 **SECTION 31.** 11.05 (5r) of the statutes is created to read:

24 11.05 (5r) CONTRIBUTION PRIOR TO REGISTRATION PROHIBITED. (a) Except as
25 provided in sub. (13), no person, committee, or group that is subject to a registration

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1 requirement may make any contribution prior to the date of registration under this
2 section.

3 (b) No registrant may accept any contribution received from a person,
4 committee, or group that is subject to a registration requirement prior to the date of
5 registration of that person, committee, or group.

6 **SECTION 32.** 11.05 (9) (title) of the statutes is repealed and recreated to read:

7 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

8 **SECTION 33.** 11.05 (9) (b) of the statutes is amended to read:

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

15 **SECTION 34.** 11.05 (12) (title) of the statutes is amended to read:

16 11.05 (12) (title) TIME OF REGISTRATION; ACCEPTANCE OF ~~UNLAWFUL~~ CONTRIBUTIONS.

17 **SECTION 35.** 11.05 (12) (b) of the statutes is amended to read:

18 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or
19 individual other than a candidate or agent of a candidate shall comply with sub. (1)
20 or (2) no later than the 5th business day commencing after receipt of the first
21 contribution by such committee, group or individual, and before making any
22 disbursement. No committee, group or individual, other than a candidate or agent
23 of a candidate, may accept any contribution or contributions exceeding \$25 in the
24 aggregate the amount specified in sub. (1) or (2) during a calendar year at any time

ASSEMBLY BILL 388**SECTION 35**

1 when the committee, group or individual is not registered under this section except
2 within the initial 5-day period authorized by this paragraph.

3 **SECTION 36.** 11.05 (13) of the statutes is amended to read:

4 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee
5 or group does not violate this section by accepting a contribution and making a
6 disbursement in the amount required to rent a postal box, or in the minimum amount
7 required by a bank or trust company to open a checking account, prior to the time of
8 registration, if the disbursement is properly reported on the first report submitted
9 under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is
10 registered, whenever a reporting requirement applies to the registrant.

11 **SECTION 37.** 11.06 (1) (intro.) of the statutes is amended to read:

12 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), ~~(3)~~ and
13 ~~(3m)~~ and ~~ss. 11.05 (2r)~~ and (2m) and s. 11.19 (2), each registrant under s. 11.05 shall
14 make full reports, upon a form prescribed by the board and signed by the appropriate
15 individual under sub. (5), of all contributions received, contributions or
16 disbursements made, and obligations incurred. Each report shall contain the
17 following information, covering the period since the last date covered on the previous
18 report, unless otherwise provided:

19 **SECTION 38.** 11.06 (1) (e) of the statutes is amended to read:

20 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
21 source donated to a charitable organization or to the common school fund, with the
22 full name and mailing address of the donee, and a statement of contributions over
23 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

24 **SECTION 39.** 11.06 (2) of the statutes is amended to read:

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1 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
2 sub. (1), if a disbursement is made or obligation incurred by an individual other than
3 a candidate or by a committee or group which is not primarily organized for political
4 purposes, and the disbursement does not constitute a contribution to any candidate
5 or other individual, committee, or group, and the disbursement is not made or the
6 obligation is not incurred for the purpose of making a mass communication specified
7 in s. 11.01 (16) (a) 3. or 4., the disbursement or obligation is required to be reported
8 only if the purpose is to expressly advocate the election or defeat of a clearly identified
9 candidate or the adoption or rejection of a referendum. The exemption provided by
10 this subsection shall in no case be construed to apply to a political party, legislative
11 campaign, personal campaign or support committee.

12 **SECTION 40.** 11.06 (2m) (title) of the statutes is created to read:

13 11.06 (2m) (title) GENERAL REPORTING EXEMPTIONS.

14 **SECTION 41.** 11.06 (2m) (b) to (d) of the statutes are created to read:

15 11.06 (2m) (b) Any individual or committee who or which is required to file an
16 oath under sub. (7) and who or which accepts contributions, makes disbursements,
17 or incurs obligations for the purpose of supporting or opposing one or more
18 candidates for state office and who or which does not anticipate accepting
19 contributions, making disbursements, or incurring obligations in an aggregate
20 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
21 contribution or contributions from a single source exceeding \$100 in any calendar
22 year may indicate on its registration statement that the individual or committee will
23 not accept contributions, incur obligations, or make disbursements in the aggregate
24 in excess of \$1,000 in any calendar year and will not accept any contribution or
25 contributions from a single source exceeding \$100 in any calendar year. Any

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1 registrant making such an indication is not subject to any filing requirement if the
2 statement is true. The registrant need not file a termination report. A registrant not
3 making such an indication on a registration statement is subject to a filing
4 requirement. The indication may be revoked and the registrant is then subject to a
5 filing requirement as of the date of revocation, or the date on which aggregate
6 contributions, disbursements, or obligations for the calendar year exceed \$1,000, or
7 the date on which the registrant accepts any contribution or contributions exceeding
8 \$100 from a single source during any calendar year, whichever is earlier.

9 (c) Any individual or committee who or which is required to file an oath under
10 sub. (7) and who or which accepts contributions, makes disbursements, or incurs
11 obligations for the purpose of supporting or opposing one or more candidates for local
12 office but not for the purpose of supporting or opposing any candidate for state office
13 and who or which does not anticipate accepting contributions, making
14 disbursements, or incurring obligations in an aggregate amount in excess of \$100 in
15 a calendar year and does not anticipate accepting any contribution or contributions
16 from a single source exceeding \$100 in any calendar year may indicate on its
17 registration statement that the individual or committee will not accept
18 contributions, incur obligations, or make disbursements in the aggregate in excess
19 of \$100 in any calendar year and will not accept any contribution or contributions
20 from a single source exceeding \$100 in any calendar year. Any registrant making
21 such an indication is not subject to any filing requirement if the statement is true.
22 The registrant need not file a termination report. A registrant not making such an
23 indication on a registration statement is subject to a filing requirement. The
24 indication may be revoked and the registrant is then subject to a filing requirement
25 as of the date of revocation, or the date that aggregate contributions, disbursements,

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1 or obligations for the calendar year exceed \$100, or the date on which the registrant
2 accepts any contribution or contributions exceeding \$100 from a single source during
3 any calendar year, whichever is earlier.

4 (d) If a revocation by a registrant under this subsection is not timely, the
5 registrant violates s. 11.27 (1).

6 **SECTION 42.** 11.06 (3) (b) (intro.) of the statutes is amended to read:

7 11.06 (3) (b) (intro.) ~~Notwithstanding sub. (1), a~~ A nonresident registrant shall
8 ~~report on a form prescribed by the board the applicable information ensure that the~~
9 ~~report under sub. (1) separately states information~~ under sub. (1) concerning all of
10 the following, in a manner prescribed by the board:

11 **SECTION 43.** 11.06 (3r) of the statutes is repealed.

12 **SECTION 44.** 11.06 (3w) of the statutes is repealed.

13 **SECTION 45.** 11.06 (4) (b) of the statutes is amended to read:

14 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a
15 contribution must be reported as received and accepted on the date received. This
16 ~~subsection paragraph~~ applies notwithstanding the fact that the contribution is not
17 deposited in the a campaign depository account by the closing date for the reporting
18 period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16)
19 if applicable.

20 **SECTION 46.** 11.06 (5) of the statutes is amended to read:

21 11.06 (5) **REPORT MUST BE COMPLETE.** A registered individual or treasurer of a
22 group or committee shall make a good faith effort to obtain all required information.
23 The first report shall commence no later than the date that the first contribution is
24 received and accepted or the first disbursement is made. Each report shall be filed
25 with the appropriate filing officer on the dates designated in s. 11.20 and, if the

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1 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The
2 individual or the treasurer of the group or committee shall certify to the correctness
3 of each report. In the case of a candidate, the candidate or treasurer shall certify to
4 the correctness of each report. If a treasurer is unavailable, any person designated
5 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

6 **SECTION 47.** 11.06 (7m) (a) of the statutes is amended to read:

7 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
8 party committee ~~or legislative campaign committee~~ supporting candidates of a
9 political party files an oath under sub. (7) affirming that it does not act in cooperation
10 or consultation with any candidate who is nominated to appear on the party ballot
11 of the party at a general or special election, that the committee does not act in concert
12 with, or at the request or suggestion of, such a candidate, that the committee does
13 not act in cooperation or consultation with such a candidate or agent or authorized
14 committee of such a candidate who benefits from a disbursement made in opposition
15 to another candidate, and that the committee does not act in concert with, or at the
16 request or suggestion of, such a candidate or agent or authorized committee of such
17 a candidate who benefits from a disbursement made in opposition to another
18 candidate, the committee filing the oath may not make any contributions in support
19 of any candidate of the party at the general or special election or in opposition to any
20 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
21 authorized in par. (c).

22 **SECTION 48.** 11.06 (7m) (b) of the statutes is amended to read:

23 11.06 (7m) (b) If the committee has already made contributions in excess of the
24 amounts specified in s. 11.26 (2) at the time that it files an oath under sub. (7), each
25 candidate to whom contributions are made shall promptly return a sufficient amount

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1 of contributions to bring the committee ~~in~~ into compliance with this subsection and
2 the committee may not make any additional contributions in violation of this
3 subsection.

4 **SECTION 49.** 11.06 (7m) (c) of the statutes is amended to read:

5 11.06 (**7m**) (c) A committee filing an oath under sub. (7) which desires to change
6 its status to a political party committee ~~or legislative campaign committee~~ may do
7 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
8 contributions received by such a committee prior to the date of the change. Such a
9 committee may change its status at other times only by filing a termination
10 statement under s. 11.19 (1) and reregistering as a newly organized committee under
11 s. 11.05.

12 **SECTION 50.** 11.07 (1) of the statutes is amended to read:

13 11.07 (**1**) Every nonresident committee or group making contributions and
14 every nonresident individual, committee or group making disbursements exceeding
15 ~~\$25 cumulatively~~ the amount specified in s. 11.05 (1) or (2) in a calendar year within
16 this state shall file the name, mailing and street address and the name and the
17 mailing and street address of a designated agent within the state with the office of
18 the secretary of state. An agent may be any adult individual who is a resident of this
19 state. After any change in the name or address of such agent the new address or
20 name of the successor agent shall be filed within 30 days of the date on which the
21 change occurs. Service of process in any proceeding under this chapter or ch. 12, or
22 service of any other notice or demand may be made upon such agent.

23 **SECTION 51.** 11.07 (5) of the statutes is amended to read:

24 11.07 (**5**) Any campaign treasurer or individual who knowingly receives a
25 contribution made by an unregistered nonresident in violation of this section may

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1 not use or expend such contribution but shall immediately return it to the source or
2 at the option of the campaign treasurer or individual, donate the contribution to a
3 charitable organization or to the common school fund or transfer the contribution to
4 the board for deposit in the Wisconsin election campaign fund.

5 **SECTION 52.** 11.09 (3) of the statutes is amended to read:

6 11.09 (3) Each registrant whose filing officer is the board, who or which makes
7 disbursements in connection with elections for offices which serve or referenda
8 which affect only one county or portion thereof, except a candidate, personal
9 campaign committee, political party committee, or other committee making
10 disbursements in support of or in opposition to a candidate for state senator,
11 representative to the assembly, court of appeals judge, or circuit judge, shall file a
12 duplicate original of each financial report filed with the board with the county clerk
13 or board of election commissioners of the county in which the elections in which the
14 registrant participates are held. Such reports shall be filed no later than the dates
15 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
16 subsection does not apply to a registrant who or which files reports under s. 11.21
17 (16).

18 **SECTION 53.** 11.10 (1) of the statutes is amended to read:

19 11.10 (1) Each candidate in an election shall appoint one campaign treasurer.
20 Except as provided in s. 11.14 (3), each candidate shall designate one campaign
21 depository account within 5 business days after the candidate receives his or her first
22 contribution and before the candidate makes or authorizes any disbursement in
23 behalf of his or her candidacy. If a candidate adopts a preexisting support committee
24 as his or her personal campaign committee, the candidate shall make such
25 designation within 5 business days of adoption. The person designated as campaign

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1 treasurer shall be the treasurer of the candidate's personal campaign committee, if
2 any. The candidate may appoint himself or herself or any other elector as campaign
3 treasurer. A registration statement under s. 11.05 (2g) ~~or (2r)~~ must be filed jointly
4 by every candidate and his or her campaign treasurer. The candidate does not
5 qualify for ballot placement until this requirement is met. Except as authorized
6 under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the
7 correctness of each report required to be filed, and the candidate bears the
8 responsibility for the accuracy of each report for purposes of civil liability under this
9 chapter, whether or not the candidate certifies it personally.

10 **SECTION 54.** 11.12 (2) of the statutes is amended to read:

11 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
12 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
13 expended. The contribution shall be donated to the common school fund or to any
14 charitable organization, or transferred to the board for deposit in the Wisconsin
15 election campaign fund, at the option of the treasurer.

16 **SECTION 55.** 11.12 (2) of the statutes, as affected by 2009 Wisconsin Act (this
17 act), is amended to read:

18 11.12 (2) ~~Any~~ No registrant, other than a candidate who receives a public
19 financing benefit from the democracy trust fund, may accept an anonymous
20 contribution exceeding \$10 ~~received by a campaign or committee treasurer or by an~~
21 ~~individual under s. 11.06 (7) may not be used or expended. The.~~ No candidate who
22 receives a public financing benefit from the democracy trust fund may accept an
23 anonymous contribution exceeding \$5. Any anonymous contribution that may not
24 be accepted under this subsection shall be donated to the common school fund or to

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1 any a charitable organization, or transferred to the board for deposit in the Wisconsin
2 election campaign fund, at the option of the registrant's treasurer.

3 **SECTION 56.** 11.12 (2m) of the statutes is created to read:

4 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in
5 the form of money that is made by an individual who has made contributions to the
6 registrant cumulatively within a calendar year exceeding \$100 in amount or value,
7 and the contributor has not provided to the treasurer the information required under
8 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before
9 depositing the contribution in the campaign depository account. If the treasurer does
10 not receive the information within the period prescribed under s. 11.14 (1), the
11 treasurer shall return the contribution to the contributor.

12 **SECTION 57.** 11.12 (4) of the statutes is amended to read:

13 11.12 (4) Each registrant shall report contributions, disbursements, and
14 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
15 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
16 11.06 (2),~~(3)~~ and (3m), each report shall contain the information which is required
17 under s. 11.06 (1).

18 **SECTION 58.** 11.12 (5) of the statutes is amended to read:

19 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
20 received by a candidate for state office or by a committee or individual from a single
21 contributor later than 15 days prior to a primary or election such that it is they are
22 not included in the preprimary or preelection report submitted under s. 11.20 (3), the
23 treasurer of the committee or the individual receiving the contribution shall, within
24 24 hours of receipt, inform the appropriate filing officer of the information required
25 under s. 11.06 (1) in such manner as the board may prescribe. The information shall

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1 also be included in the treasurer's or individual's next regular report. For purposes
2 of the reporting requirement under this subsection, only contributions received
3 during the period beginning with the day after the last date covered on the
4 preprimary or preelection report, and ending with the day before the primary or
5 election need be reported.

6 **SECTION 59.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
7 to read:

8 11.12 (6) (a) If ~~any~~ an individual or committee incurs an obligation or makes
9 a disbursement of more than \$20 cumulatively ~~is made~~ to advocate the election or
10 defeat of a clearly identified candidate ~~by an individual or committee~~ later than 15
11 days prior to a primary or election in which the candidate's name appears on the
12 ballot without cooperation or consultation with a candidate or agent or authorized
13 committee of a candidate who is supported or whose opponent is opposed, and not in
14 concert with or at the request or suggestion of such a candidate, agent or committee,
15 the individual or treasurer of the committee shall, within 24 hours of after incurring
16 the obligation or making the disbursement, inform the appropriate filing officer of
17 the information required under s. 11.06 (1) in such manner as the board may
18 prescribe. ~~The information shall also be included in the next regular report of the~~
19 ~~individual or committee under s. 11.20.~~ For purposes of this subsection, paragraph,
20 obligations and disbursements cumulate beginning with the day after the last date
21 covered on the preprimary or preelection report and ending with the day before the
22 primary or election. Upon receipt of a report under this subsection paragraph, the
23 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
24 candidates for any office in support of or opposition to one of whom ~~a~~ an incurred
25 obligation or disbursement identified in the report is incurred or made. A committee

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1 that files a report pertaining to a disbursement under par. (c) is not required to file
2 a report pertaining to the same disbursement under this paragraph.

3 **SECTION 60.** 11.12 (6) (c) and (d) of the statutes are created to read:

4 11.12 (6) (c) If any committee identified under s. 11.05 (3) (c) as a special
5 interest committee, other than a conduit, makes any disbursement for the purpose
6 of advocating the election or defeat of a clearly identified candidate for a state office
7 specified in s. 11.31 (1) (a) to (d), (e), or (f) at the general or a special election, or any
8 such candidate who seeks a nomination for such an office at a primary election, or
9 for a purpose described in s. 11.01 (16) (a) 3. or 4., without cooperation or consultation
10 with a candidate or agent or authorized committee of a candidate who is supported
11 or whose opponent is opposed, and not in concert with or at the request or suggestion
12 of such a candidate, agent, or committee, the committee shall report to the board
13 within 24 hours thereafter, in such manner as the board may prescribe, the total
14 amount of disbursements made for such a purpose in support of or opposition to that
15 candidate, the amount and date of each such disbursement, and the name of the
16 candidate in support of or in opposition to whom the disbursement was made. A
17 committee which files a report under this paragraph concerning a disbursement is
18 not required to file a report pertaining to the same disbursement under par. (a).

19 (d) All information reported by a registrant under this subsection shall also be
20 included in the next regular report of the registrant under s. 11.20 or 11.21 (16).

21 **SECTION 61.** 11.12 (8) and (9) of the statutes are created to read:

22 11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (d), (e),
23 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
24 candidate has accumulated cash in his or her campaign depository account or has
25 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding

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1 a combined total of 75 percent of the amount specified in s. 11.31 (1) (a) to (d), (e), or
2 (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks, that
3 candidate or the candidate's personal campaign committee shall file daily reports
4 with the board and with each candidate whose name is certified to appear on the
5 ballot for the office in connection with which the disbursement is made, by electronic
6 mail or facsimile transmission, on each day beginning with that date or the 7th day
7 after the primary election or the date that a primary would be held, if required,
8 whichever is later, and ending on the date of the election at which the candidate seeks
9 office. Each report shall be filed no later than 24 hours after that disbursement is
10 made. Each report shall include the same information pertaining to each
11 disbursement made by the candidate or committee that is required to be reported for
12 other disbursements under s. 11.06 (1). The information shall also be included in the
13 next regular report of the candidate or committee under s. 11.20.

14 (9) Whenever a report is required to be filed with a candidate by electronic mail
15 or facsimile transmission under this section, the report shall be filed at the address
16 or number of the candidate or personal campaign committee as shown on the
17 registration statement of the candidate or committee. If no electronic mail address
18 or facsimile transmission number is shown, the report shall be filed at the mailing
19 address shown on the statement.

20 **SECTION 62.** 11.14 (3) of the statutes is amended to read:

21 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own
22 campaign treasurer and who is authorized to make and makes an indication on his
23 or her registration statement under s. ~~11.05 (2r)~~ 11.06 (2m) that he or she will not
24 accept contributions, make disbursements or incur obligations in an aggregate
25 amount exceeding ~~\$1,000 in a calendar year~~ the amount authorized in s. 11.06 (2m),

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1 and will not accept any contribution or contributions from a single source, other than
2 contributions made by the candidate to his or her own campaign, exceeding \$100 in
3 a calendar year, may designate a single personal account as his or her campaign
4 depository account, and may intermingle personal and other funds with campaign
5 funds. If a separate depository account is later established by the candidate, the
6 candidate shall transfer all campaign funds in the personal account to the new
7 depository account. Disbursements made from such personal account need not be
8 identified in accordance with s. 11.16 (3).

9 **SECTION 63.** 11.16 (2) of the statutes is amended to read:

10 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
11 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
12 credit card receipt bearing on the face the name of the remitter. No treasurer may
13 accept a contribution made in violation of this subsection. The treasurer shall
14 promptly return the contribution, or, if the donor cannot be identified, donate it the
15 contribution to the common school fund or to a charitable organization ~~in the event~~
16 ~~that the donor cannot be identified~~ or transfer the contribution to the board for
17 deposit in the Wisconsin election campaign fund.

18 **SECTION 64.** 11.16 (2) of the statutes, as affected by 2009 Wisconsin Act (this
19 act), is amended to read:

20 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. ~~Every~~ Except as provided in s.
21 11.506 (6), every contribution of money exceeding \$50 shall be made by negotiable
22 instrument or evidenced by an itemized credit card receipt bearing on the face the
23 name of the remitter. No treasurer may accept a contribution made in violation of
24 this subsection. The treasurer shall promptly return the contribution, or, if the donor
25 cannot be identified, donate the contribution to the common school fund or to a

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1 charitable organization or transfer the contribution to the board for deposit in the
2 Wisconsin election campaign fund.

3 **SECTION 65.** 11.16 (3) of the statutes is amended to read:

4 11.16 (3) FORM OF DISBURSEMENTS. ~~Every~~ Except as authorized under s. 11.511
5 (1), every disbursement which is made by a registered individual or treasurer from
6 the campaign depository account shall be made by negotiable instrument. Such
7 instrument shall bear on the face the full name of the candidate, committee,
8 individual or group as it appears on the registration statement filed under s. 11.05
9 and where necessary, such additional words as are sufficient to clearly indicate the
10 political nature of the registrant or account of the registrant. The name of a political
11 party shall include the word "party". The instrument of each committee registered
12 with the board and designated under s. 11.05 (3) (c) as a special interest committee
13 shall bear the identification number assigned under s. 11.21 (12) on the face of the
14 instrument.

15 **SECTION 66.** 11.16 (5) of the statutes is amended to read:

16 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
17 party committee ~~or legislative campaign committee~~ may, pursuant to a written
18 escrow agreement with more than one candidate, solicit contributions for and
19 conduct a joint fund raising effort or program on behalf of more than one named
20 candidate. The agreement shall specify the percentage of the proceeds to be
21 distributed to each candidate by the committee conducting the effort or program.
22 The committee shall include this information in all solicitations for the effort or
23 program. All contributions received and disbursements made by the committee in
24 connection with the effort or program shall be received and disbursed through a
25 separate depository account under s. 11.14 (1) that is identified in the agreement.

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1 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
2 prepare a schedule in the form prescribed by the board supplying all required
3 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
4 for the effort or program, and shall transmit a copy of the schedule to each candidate
5 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

6 **SECTION 67.** 11.19 (title) of the statutes is amended to read:

7 **11.19** (title) ~~**Dissolution**~~ **Carry-over of surplus funds; dissolution of**
8 **registrants; termination reports.**

9 **SECTION 68.** 11.19 (1) of the statutes is amended to read:

10 11.19 (1) Whenever any registrant disbands or determines that obligations will
11 no longer be incurred, and contributions will no longer be received nor disbursements
12 made during a calendar year, and the registrant has no outstanding incurred
13 obligations, the registrant shall file a termination report with the appropriate filing
14 officer. Such report shall indicate a cash balance on hand of zero at the end of the
15 reporting period and shall indicate the disposition of residual funds. Residual funds
16 may be used for any political purpose not prohibited by law, returned to the donors
17 in an amount not exceeding the original contribution, transferred to the board for
18 deposit in the Wisconsin election campaign fund, or donated to a charitable
19 organization or the common school fund. The report shall be filed and certified as
20 were previous reports, and shall contain the information required by s. 11.06 (1). A
21 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
22 subsection with a termination report filed under this subsection. If a termination
23 report or suspension report under sub. (2) is not filed, the registrant shall continue
24 to file periodic reports with the appropriate filing officer, no later than the dates
25 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later

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1 than the times specified in s. 11.21 (16). This subsection does not apply to any
2 registrant making an indication under s. 11.05 ~~(2r)~~ 11.06 (2m).

3 **SECTION 69.** 11.20 (1) of the statutes is amended to read:

4 11.20 (1) All reports required by s. 11.06 which relate to activities which
5 promote or oppose candidates for state office or statewide referenda and all reports
6 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
7 relate to activities which promote or oppose candidates for local office or local
8 referenda shall be filed with the appropriate filing officer under s. 11.02, except
9 reports filed under s. 11.08. Each registrant shall file the reports required by this
10 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
11 electronically the same information that is reportable under this section, the
12 registrant shall, in addition, file the reports required by this section recorded on a
13 medium specified by the board.

14 **SECTION 70.** 11.20 (7) of the statutes is amended to read:

15 11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that
16 any report is required to be filed under this section ~~chapter~~ on a nonbusiness day, it
17 may be filed on the next business day thereafter.

18 **SECTION 71.** 11.20 (9) of the statutes is amended to read:

19 11.20 (9) Except as provided in ss. 11.05 ~~(2r)~~ 11.06 (2m) and 11.19 (2), the duty
20 to file reports under this section ~~or s. 11.21 (16), where applicable,~~ continues until a
21 termination report is filed in accordance with s. 11.19.

22 **SECTION 72.** 11.20 (10) (a) of the statutes is amended to read:

23 11.20 (10) (a) Where a requirement is imposed under this section for the filing
24 of a financial report which is to be received by the appropriate filing officer no later
25 than a certain date, the requirement may be satisfied either by actual receipt of the

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1 report by the prescribed time for filing at the office of the filing officer, or by filing a
2 report with the U.S. postal service by first class mail with sufficient prepaid postage,
3 addressed to the appropriate filing officer, no later than the 3rd day before the date
4 provided by law for receipt of such report.

5 **SECTION 73.** 11.20 (12) of the statutes is amended to read:

6 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
7 to file the reports required by this chapter does not cease. Except as provided in ss.
8 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no
9 contributions, makes no disbursements or incurs no obligations shall so report on the
10 dates designated in subs. (2) and (4).

11 **SECTION 74.** 11.21 (2) of the statutes is amended to read:

12 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
13 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
14 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
15 addressed to the attention of the treasurer or other person indicated on the
16 registration statement. Forms need not be sent to a registrant who has made an
17 indication that aggregate contributions, disbursements and obligations will not
18 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
19 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by
20 the board to a registrant if the registrant is required to file reports with the board
21 in an electronic format. Whenever any notice of filing requirements under this
22 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice
23 to the candidate if he or she has appointed a separate treasurer. Failure to receive
24 any form or notice does not exempt a registrant from compliance with this chapter.

25 **SECTION 75.** 11.21 (15) of the statutes is amended to read:

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1 11.21 (15) Inform each candidate who files an application to become eligible to
2 receive a grant from the Wisconsin election campaign fund of the dollar amount of
3 the applicable disbursement limitation under s. 11.31 (1), adjusted as provided under
4 s. 11.31 (9), which applies to the office for which such person is a candidate. Failure
5 to receive the notice required by this subsection does not constitute a defense to a
6 violation of s. 11.27 (1) or 11.31.

7 **SECTION 76.** 11.21 (16) of the statutes is amended to read:

8 11.21 (16) Require each registrant for whom the board serves as filing officer
9 and who or which accepts contributions in a total amount or value of \$20,000 or more
10 during a campaign period to file each campaign finance report that is required to be
11 filed under this chapter in an electronic format, and accept from any other registrant
12 for whom the board serves as a filing officer any campaign finance report that is
13 required to be filed under this chapter in an electronic format. A registrant who or
14 which becomes subject to a requirement to file reports in an electronic format under
15 this subsection shall initially file the registrant's report in an electronic format for
16 the period which includes the date on which the registrant becomes subject to the
17 requirement or, if the registrant is required to report transactions within 24 hours
18 of their occurrence, within 24 hours after the date on which the registrant becomes
19 subject to the requirement. To facilitate implementation of this subsection, the board
20 shall specify, by rule, a type of software that is suitable for compliance with the
21 electronic filing requirement under this subsection. The board shall provide copies
22 of the software to registrants at a price fixed by the board that may not exceed cost.
23 Each registrant who or which files a report under this subsection in an electronic
24 format shall also file a copy of the report with the board that is recorded on a medium
25 specified by the board. The copy shall be signed by an authorized individual and filed

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1 with the board by each registrant no later than the time prescribed for filing of the
2 report under this chapter. If a registrant is a committee, a copy shall be certified by
3 an authorized individual and filed with the board by the registrant no later than 24
4 hours after the occurrence of any transaction that is reportable under s.11.06 (1). If
5 a registrant becomes subject to a requirement to report electronically under this
6 subsection, the registrant shall continue to report electronically regardless of the
7 amount of contributions accepted by the registrant until the registrant files a
8 termination report. The board shall provide complete instructions to any registrant
9 who or which files a report under this subsection. In this subsection, the “campaign
10 period” of a candidate, personal campaign committee or support committee begins
11 and ends with the “campaign” of the candidate whose candidacy is supported, as
12 defined in s. 11.26 (17), and the “campaign period” of any other registrant begins on
13 January 1 of each odd-numbered year and ends on December 31 of the following year.
14 Section 990.001 (4) does not apply to the computation of time permitted for
15 compliance with the filing requirements under this subsection.

16 **SECTION 77.** 11.21 (17) of the statutes is repealed.

17 **SECTION 78.** 11.22 (3) of the statutes is amended to read:

18 11.22 (3) Furnish to each registrant prescribed forms for the making of reports
19 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
20 not later than 14 days prior to the applicable filing deadline under s. 11.20 and
21 addressed to the attention of the treasurer or other person indicated on the
22 registration statement. Forms need not be sent to a registrant who has made an
23 indication that aggregate contributions, disbursements and obligations will not
24 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
25 been granted a suspension under s. 11.19 (2). Whenever any notice of the filing

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1 requirements under this chapter is sent to a candidate's campaign treasurer, the
2 filing officer shall also send a notice to the candidate if he or she has appointed a
3 separate treasurer. Failure to receive any form or notice does not exempt a registrant
4 from compliance with this chapter.

5 **SECTION 79.** 11.23 (1) of the statutes is amended to read:

6 11.23 (1) Any group or individual may promote or oppose a particular vote at
7 any referendum in this state. Before making disbursements, receiving contributions
8 or incurring obligations in excess of \$25 \$100 in the aggregate in a calendar year for
9 such purposes, the group or individual shall file a registration statement under s.
10 11.05 (1), or (2) ~~or (2r)~~. In the case of a group the name and mailing address of each
11 of its officers shall be given in the statement. Every group and every individual
12 under this section shall designate a campaign depository account under s. 11.14.
13 Every group shall appoint a treasurer, who may delegate authority but is jointly
14 responsible for the actions of his or her authorized designee for purposes of civil
15 liability under this chapter. The appropriate filing officer shall be notified by a group
16 of any change in its treasurer within 10 days of the change under s. 11.05 (5). The
17 treasurer of a group shall certify the correctness of each statement or report
18 submitted by it under this chapter.

19 **SECTION 80.** 11.23 (2) of the statutes is amended to read:

20 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
21 or group treasurer may not be used or expended. The contribution shall be donated
22 to the common school fund or to any charitable organization or transferred to the
23 board for deposit in the Wisconsin election campaign fund at the option of the
24 treasurer.

25 **SECTION 81.** 11.24 (2) of the statutes is renumbered 11.24 (5).

ASSEMBLY BILL 388**SECTION 82**

1 **SECTION 82.** 11.24 (4) of the statutes is created to read:

2 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
3 elective official, to a candidate for a partisan state office, or to the personal campaign
4 committee or support committee authorized under s. 11.05 (3) (p) of such an official
5 or candidate for the purpose of promoting that official's or candidate's nomination,
6 election, or reelection to a partisan state office during the period beginning on
7 January 1 of an odd-numbered year and ending on the date of enactment of the
8 biennial budget act.

9 (b) If in any year there is more than one executive budget bill under s. 16.47
10 (1m), the period under par. (a) ends on the date of enactment of the last such bill.

11 (c) Notwithstanding par. (a), a person may make a contribution to an
12 incumbent partisan state elective official against whom a recall petition is circulated
13 or a candidate for a partisan state office at a recall election during the period
14 beginning on the date that a petitioner registers an intent to circulate a petition
15 under s. 9.10 (2) (d) and ending on the date of the recall election, except that if the
16 circulation period expires without offering of the recall petition for filing, the filing
17 officer determines not to file the petition, or the official resigns as provided in s. 9.10
18 (3) (c), the period ends on the date of that event.

19 (d) Paragraph (a) does not apply to a candidate for a partisan state office at a
20 special election or to the personal campaign committee or authorized support
21 committee of such a candidate.

22 **SECTION 83.** 11.26 (1) (intro.) of the statutes is amended to read:

23 11.26 (1) (intro.) ~~No~~ Except as otherwise provided for an individual specified
24 in sub. (2), no individual may make any contribution or contributions to a candidate
25 for election or nomination to any of the following offices and to any individual or

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1 committee under s. 11.06 (7) acting solely in support of such a candidate or solely in
2 opposition to the candidate's opponent to the extent of more than a total of the
3 amounts specified per candidate:

4 **SECTION 84.** 11.26 (1) (a) of the statutes is amended to read:

5 11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state,
6 state treasurer, attorney general, or state superintendent ~~or justice~~, \$10,000.

7 **SECTION 85.** 11.26 (1) (am) of the statutes is created to read:

8 11.26 (1) (am) Candidates for justice, \$1,000.

9 **SECTION 86.** 11.26 (2) (intro.) of the statutes is amended to read:

10 11.26 (2) (intro.) No committee other than a political party committee ~~or~~
11 legislative campaign committee and no individual who serves as a conduit may make
12 any contribution or contributions to a candidate for election or nomination to any of
13 the following offices and to any individual or committee under s. 11.06 (7) acting
14 solely in support of such a candidate or solely in opposition to the candidate's
15 opponent to the extent of more than a total of the amounts specified per candidate:

16 **SECTION 87.** 11.26 (2) (a) of the statutes is amended to read:

17 11.26 (2) (a) Candidates for governor, ~~lieutenant governor, secretary of state,~~
18 ~~state treasurer, attorney general, state superintendent or justice~~, 4 percent of the
19 ~~value of the disbursement level specified in the schedule under s. 11.31 (1)~~ \$45,000.

20 **SECTION 88.** 11.26 (2) (ad) of the statutes is created to read:

21 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

22 **SECTION 89.** 11.26 (2) (am) of the statutes is created to read:

23 11.26 (2) (am) Candidates for attorney general, \$25,000.

24 **SECTION 90.** 11.26 (2) (an) of the statutes is created to read:

25 11.26 (2) (an) Candidates for justice, \$10,000.

ASSEMBLY BILL 388**SECTION 91**

1 **SECTION 91.** 11.26 (2) (an) of the statutes, as affected by 2009 Wisconsin Act ...

2 (this act), is repealed and recreated to read:

3 11.26 (2) (an) Candidates for justice, \$1,000.

4 **SECTION 92.** 11.26 (2) (au) of the statutes is created to read:

5 11.26 (2) (au) Candidates for secretary of state, state treasurer, or state
6 superintendent, \$10,000.

7 **SECTION 93.** 11.26 (4) of the statutes is amended to read:

8 11.26 (4) No ~~Except as otherwise provided in sub. (10), no~~ individual may make
9 any contribution or contributions to all candidates for state and local offices and to
10 any individuals who or committees which are subject to a registration requirement
11 under s. 11.05, including ~~legislative campaign committees and~~ committees of a
12 political party, to the extent of more than a total of \$10,000 in any calendar year. This
13 subsection does not apply to contributions that are transferred by an individual who
14 serves as a conduit.

15 **SECTION 94.** 11.26 (8) of the statutes is amended to read:

16 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
17 a total of ~~\$150,000~~ \$600,000 in value of its contributions in any biennium from all
18 other committees, excluding ~~contributions from legislative campaign committees~~
19 ~~and~~ transfers between party committees of the party. In this paragraph, a biennium
20 commences with January 1 of each odd-numbered year and ends with December 31
21 of each even-numbered year.

22 (b) No such political party may receive more than a total of ~~\$6,000~~ \$18,000 in
23 value of its contributions in any calendar year from any specific committee or its
24 subunits or affiliates, excluding ~~legislative campaign and~~ political party committees.

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1 (c) No committee, other than a political party ~~or legislative campaign~~
2 committee, may make any contribution or contributions, directly or indirectly, to a
3 political party under s. 5.02 (13) in a calendar year exceeding a total value of \$6,000
4 \$18,000.

5 **SECTION 95.** 11.26 (9) (a) of the statutes is amended to read:

6 11.26 (9) (a) No individual who is a candidate for state or local office may receive
7 and accept more than 65 percent of the value of the total disbursement level
8 determined under s. 11.31 (1), adjusted as provided in s. 11.31 (9), for the office for
9 which he or she is a candidate during any primary and election campaign combined
10 from all committees subject to a filing requirement, including political party and
11 ~~legislative campaign~~ committees. The limitation otherwise applicable under this
12 paragraph to a candidate who qualifies to receive a supplemental grant under s.
13 11.50 (9) (ba) or (bb) is increased by the amount of the supplemental grant.

14 **SECTION 96.** 11.26 (9) (a) of the statutes, as affected by 2009 Wisconsin Act ...
15 (this act), is amended to read:

16 11.26 (9) (a) ~~No~~ Except as provided in par. (ba), no individual who is a candidate
17 for state or local office may receive and accept more than 65 percent of the value of
18 the total disbursement level determined under s. 11.31 (1), adjusted as provided in
19 s. 11.31 (9), for the office for which he or she is a candidate during any primary and
20 election campaign combined from all committees subject to a filing requirement,
21 including political party committees. The limitation otherwise applicable under this
22 paragraph to a candidate who qualifies to receive a supplemental grant under s.
23 11.50 (9) (ba) or (bb) is increased by the amount of the supplemental grant.

24 **SECTION 97.** 11.26 (9) (b) of the statutes is amended to read:

ASSEMBLY BILL 388**SECTION 97**

1 11.26 (9) (b) No individual who is a candidate for state or local office may receive
2 and accept more than 45 35 percent of the value of the total disbursement level
3 determined under s. 11.31 (1), adjusted as provided in s. 11.31 (9), for the office for
4 which he or she is a candidate during any primary and election campaign combined
5 from all committees other than political party and legislative campaign committees
6 subject to a filing requirement. The limitation otherwise applicable under this
7 paragraph to a candidate who qualifies to receive a supplemental grant under s.
8 11.50 (9) (ba) or (bb) is increased by the amount of the supplemental grant.

9 **SECTION 98.** 11.26 (9) (b) of the statutes, as affected by 2009 Wisconsin Act ...
10 (this act), is amended to read:

11 11.26 (9) (b) ~~No~~ Except as provided in par. (ba), no individual who is a candidate
12 for state or local office may receive and accept more than 35 percent of the value of
13 the total disbursement level determined under s. 11.31 (1), adjusted as provided in
14 s. 11.31 (9), for the office for which he or she is a candidate during any primary and
15 election campaign combined from all committees other than political party
16 committees subject to a filing requirement. The limitation otherwise applicable
17 under this paragraph to a candidate who qualifies to receive a supplemental grant
18 under s. 11.50 (9) (ba) or (bb) is increased by the amount of the supplemental grant.

19 **SECTION 99.** 11.26 (9) (ba) of the statutes is created to read:

20 11.26 (9) (ba) Paragraphs (a) and (b) do not apply to a candidate who receives
21 a public financing benefit from the democracy trust fund.

22 **SECTION 100.** 11.26 (10) of the statutes is renumbered 11.26 (10) (a) and
23 amended to read:

24 11.26 (10) (a) ~~No~~ Except as provided in par. (b), no candidate for state office who
25 files a sworn statement and application to receive a grant from the Wisconsin election

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

16 **SECTION 101.** 11.26 (10) (b) of the statutes is created to read:

17 11.26 (10) (b) If a candidate is authorized to make disbursements under s. 11.31
18 (3p) exceeding the limitation otherwise applicable to the candidate as prescribed
19 under s. 11.31 (1) and adjusted under s. 11.31 (9), then the limitation otherwise
20 applicable to that candidate under par. (a) is increased by an amount equal to the
21 ratio that the amount specified in par. (a) bears to the disbursement limitation
22 specified for that candidate under s. 11.31 (1), as adjusted under s. 11.31 (9),
23 multiplied by the amount of the increased disbursement limitation authorized for
24 that candidate under s. 11.31 (3p).

25 **SECTION 102.** 11.26 (13) of the statutes is amended to read:

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1 11.26 (13) Except as provided in sub. (9), contributions received from the
2 Wisconsin election campaign fund and public financing benefits received from the
3 democracy trust fund are not subject to limitation by this section.

4 **SECTION 103.** 11.265 of the statutes is repealed.

5 **SECTION 104.** 11.30 (4) of the statutes is amended to read:

6 11.30 (4) No owner or other person with a financial interest in a
7 communications medium may utilize such medium in support of or in opposition to
8 a candidate or referendum, except as provided in this chapter.

9 **(4m)** This chapter shall not be construed to restrict fair coverage of bona fide
10 news stories, interviews with candidates and other politically active individuals,
11 editorial comment or endorsement. Such activities need not be reported as a
12 contribution or disbursement.

13 **SECTION 105.** 11.31 (1) (intro.) of the statutes is amended to read:

14 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are
15 established with reference to the candidates listed below. The levels are subject to
16 adjustment under sub. (9). Except as provided in sub. (2), such levels do not operate
17 to restrict the total amount of disbursements which are made or authorized to be
18 made by any candidate in any primary or other election.

19 **SECTION 106.** 11.31 (1) (a) to (d) of the statutes are amended to read:

20 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$4,000,000.

21 (b) Candidates for lieutenant governor, ~~\$323,475~~ \$500,000.

22 (c) Candidates for attorney general, ~~\$539,000~~ \$700,000.

23 (d) Candidates for secretary of state, state treasurer, justice or state
24 superintendent, ~~\$215,625~~ \$250,000.

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1 **SECTION 107.** 11.31 (1) (d) of the statutes, as affected by 2009 Wisconsin Act ...
2 (this act), is amended to read:

3 11.31 (1) (d) Candidates for secretary of state, state treasurer, justice or state
4 superintendent, \$250,000.

5 **SECTION 108.** 11.31 (1) (e) and (f) of the statutes are amended to read:

6 11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$150,000 total in the primary
7 and election, with disbursements not exceeding ~~\$21,575~~ \$108,000 for either the
8 primary or the election.

9 (f) Candidates for representative to the assembly, ~~\$17,250~~ \$75,000 total in the
10 primary and election, with disbursements not exceeding ~~\$10,775~~ \$54,000 for either
11 the primary or the election.

12 **SECTION 109.** 11.31 (2) of the statutes is amended to read:

13 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
14 election who files a sworn statement and application to receive a grant from the
15 Wisconsin election campaign fund may make or authorize total disbursements from
16 the campaign treasury in any campaign to the extent of more than the amount
17 prescribed in sub. (1), adjusted as provided under sub. (9), unless the board
18 determines that the candidate is not eligible to receive a grant, the candidate
19 withdraws his or her application under s. 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ applies sub.
20 (3p) applies to that candidate. No candidate for state office at a special election who
21 files a sworn statement and application to receive a grant from the Wisconsin election
22 campaign fund may make or authorize total disbursements from the campaign
23 treasury in any campaign to the extent of more than the amount prescribed under
24 sub. (1), adjusted as provided under sub. (9), for the preceding spring or general
25 election for the same office, unless the board determines that the candidate is not

ASSEMBLY BILL 388**SECTION 109**

1 eligible to receive a grant, the candidate withdraws his or her application under s.
2 11.50 (2) (h), or s. 11.50 (2) (i) ~~applies~~ sub. (3p) applies to that candidate.

3 **SECTION 110.** 11.31 (2m) of the statutes is repealed:

4 **SECTION 111.** 11.31 (3) of the statutes is amended to read:

5 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the
6 limitations imposed under sub. (2), candidates for governor and lieutenant governor
7 of the same political party who both accept grants from the Wisconsin election
8 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),
9 adjusted as provided in sub. (9), and reallocate the total level between them. The
10 candidates shall each inform the board of any such agreement.

11 **SECTION 112.** 11.31 (3p) of the statutes is created to read:

12 11.31 (3p) CANDIDATES RECEIVING SUPPLEMENTAL GRANTS; EXCEPTION. If a
13 candidate receives a supplemental grant under s. 11.50 (9) (ba) or (bb), the
14 disbursement limitation of that candidate for the campaign in which the grant is
15 received is increased by the amount of the supplemental grant.

16 **SECTION 113.** 11.31 (9) of the statutes is created to read:

17 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
18 “consumer price index” means the average of the consumer price index over each
19 12-month period, all items, U.S. city average, as determined by the bureau of labor
20 statistics of the U.S. department of labor.

21 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall
22 be subject to a cost-of-living adjustment to be determined by rule of the board in
23 accordance with this subsection. To determine the adjustment, the board shall
24 calculate the percentage difference between the consumer price index for the
25 12-month period ending on December 31 of each odd-numbered year and the

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1 consumer price index for calendar year 2009. For each biennium, the board shall
2 adjust the disbursement limitations specified under sub. (1) by that percentage to the
3 extent required to reflect any difference, rounded to the nearest multiple of \$25 in
4 the case of amounts of \$1 or more, which amount shall be in effect until a subsequent
5 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),
6 and (3), determinations under this subsection may be promulgated as an emergency
7 rule under s. 227.24 without providing evidence that the emergency rule is necessary
8 for the public peace, health, safety, or welfare, and without a finding of emergency.

9 **SECTION 114.** 11.38 (1) (a) 2. of the statutes is amended to read:

10 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association
11 may establish and administer a separate segregated fund and solicit contributions
12 from individuals to the fund to be utilized by such corporation or association, for the
13 purpose of supporting or opposing any candidate for state or local office but the
14 corporation or association may not make any contribution to the fund. The fund shall
15 appoint a treasurer and shall register as a political committee under s. 11.05. A
16 parent corporation or association engaging solely in this activity is not subject to
17 registration under s. 11.05, but shall register and file special reports on forms
18 prescribed by the board disclosing its administrative and solicitation expenses on
19 behalf of such fund. A corporation not domiciled in this state need report only its
20 expenses for administration and solicitation of contributions in this state together
21 with a statement indicating where information concerning other administration and
22 solicitation expenses of its fund may be obtained. The reports shall be filed with the
23 filing officer for the fund specified in s. 11.02 in the manner in which continuing
24 reports are filed under s. 11.20 (4) and (8), and s. 11.21 (16), if applicable.

25 **SECTION 115.** 11.38 (1m) of the statutes is created to read:

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1 11.38 (1m) (a) No corporation or association specified in sub. (1) (a) 1. may
2 make a disbursement for the purpose of making a mass communication that is made
3 by means of one or more communications media, other than a communication that
4 is exempt from reporting under s. 11.29, and that:

5 1. Is made during the period beginning on the 60th day preceding an election
6 and ending on the date of that election, and that includes a reference to a candidate
7 whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at
8 that election, a reference to an office to be filled at that election, or a reference to a
9 political party; or

10 2. Refers to a judicial office and either focuses on and takes a position for or
11 against a judicial candidate's position on an issue or takes a position on that judicial
12 candidate's character, qualifications, or fitness for office.

13 (b) Paragraph (a) does not apply to a mass communication that either focuses
14 on and takes a position on a legislative or executive issue and urges the public to
15 adopt the position and to contact one or more public officials about the issue or
16 proposes a commercial transaction and does not 1) support or oppose a candidate's
17 record on an issue, 2) mention an election, a candidacy, an opposing candidate, a
18 political party, or voting by the general public, or 3) take a position on a candidate's
19 character, qualifications, or fitness for office, unless the communication is
20 susceptible of no reasonable interpretation other than as an appeal to vote for or
21 against a candidate whose name is certified to appear on the ballot at an election.

22 **SECTION 116.** 11.38 (6) of the statutes is amended to read:

23 11.38 (6) Any individual or campaign treasurer who receives funds in violation
24 of this section shall promptly return such funds to the contributor or, donate the
25 funds to the common school fund or a charitable organization, or transfer the funds

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1 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
2 option.

3 **SECTION 117.** 11.38 (8) (b) of the statutes is amended to read:

4 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
5 any disbursement on behalf of a political group which is promoting or opposing a
6 particular vote at a referendum and prior to accepting any contribution or making
7 any disbursement to promote or oppose a particular vote at a referendum, a
8 corporation or association organized under ch. 185 or 193 shall register with the
9 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The
10 registration form of the corporation or association under s. 11.05 shall designate an
11 account separate from all other corporation or association accounts as a campaign
12 depository account, through which all moneys received or expended ~~for the adoption~~
13 ~~or rejection of~~ to promote or oppose a particular vote at the referendum shall pass.
14 The corporation or association shall file periodic reports under s. 11.20, and under
15 s. 11.21 (16), if applicable, providing the information required under s. 11.06 (1).

16 **SECTION 118.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

17 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general
18 account:

19 **SECTION 119.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

20 **SECTION 120.** 11.50 (1) (a) 1. a. of the statutes, as affected by 2009 Wisconsin
21 Act (this act), is amended to read:

22 11.50 (1) (a) 1. a. With respect to a spring or general election, any individual
23 who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice
24 or state superintendent, or an individual who receives at least 6% of the vote cast for
25 all candidates on all ballots for any state office, except district attorney, for which the

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1 individual is a candidate at the September primary and who is certified under s. 7.08
2 (2) (a) as a candidate for that office in the general election, or an individual who has
3 been lawfully appointed and certified to replace either such individual on the ballot
4 at the spring or general election; and who has qualified for a grant under sub. (2).

5 **SECTION 121.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b.

6 **SECTION 122.** 11.50 (1) (a) 2m. of the statutes is created to read:

7 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
8 account, an individual who is certified under s. 7.08 (2) (a) in the general election or
9 under s. 8.50 (1) (d) in a special election as the candidate of an eligible political party
10 for a state office, other than district attorney, or an individual who has been lawfully
11 appointed and certified to replace such an individual on the ballot at the general or
12 a special election and who has qualified for a grant under sub. (2).

13 **SECTION 123.** 11.50 (1) (am) of the statutes is created to read:

14 11.50 (1) (am) “Eligible political party” means any of the following:

15 1. A party qualifying under s. 5.62 (2) for a separate ballot or one or more
16 separate columns or rows on a ballot for the period beginning on the preceding June
17 1, or, if that June 1 is in an odd-numbered year, the period beginning on June 1 of
18 the preceding even-numbered year, and ending on May 31 of the 2nd year following
19 the beginning of that period.

20 2. A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more
21 separate columns or rows on a ballot for the period beginning on the date of the
22 preceding general election and ending on the day before the general election that
23 follows that election.

24 **SECTION 124.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

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1 11.50 (1) (bm) “General account” means the account in the fund created under
2 sub. (2w).

3 (cm) “Political party account” means an account in the fund created under sub.
4 (2s).

5 **SECTION 125.** 11.50 (1) (e) of the statutes is created to read:

6 11.50 (1) (e) “Qualifying period” means the period beginning on July 1
7 preceding the date of the spring primary and ending on the date of the spring primary
8 in the case of candidates at the spring election; the period beginning on January 1
9 preceding the date of the September primary and ending on the date of the
10 September primary in the case of candidates at the general election; or the period
11 beginning on the 90th day beginning before the date on which a special primary will
12 or would be held, if required, or the date on which a special election is ordered,
13 whichever is earlier, and ending on the date of a special election, in the case of
14 candidates at a special election.

15 **SECTION 126.** 11.50 (2) (a) of the statutes is amended to read:

16 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
17 file an application with the board requesting approval to participate in the fund. The
18 application shall be filed no later than the applicable deadline for filing nomination
19 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.
20 on the 7th day after the primary or date on which the primary would be held if
21 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
22 after appointment in the case of candidates appointed to fill vacancies. The
23 application shall contain a sworn statement that the candidate and his or her
24 authorized agents have complied with the contribution limitations prescribed in s.
25 11.26 and the disbursement limitations prescribed under s. 11.31 (2), as adjusted

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1 under s. 11.31 (9), at all times to which such limitations have applied to his or her
2 candidacy and will continue to comply with the limitations at all times to which the
3 limitations apply to his or her candidacy for the office in contest, unless the board
4 determines that the candidate is not eligible to receive a grant, the candidate
5 withdraws his or her application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

6 **SECTION 127.** 11.50 (2) (b) 5. of the statutes is amended to read:

7 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
8 of the date of the spring or September primary, or the date that the special primary
9 is or would be held, if required, indicate that the candidate has received at least ~~the~~
10 amount provided in this subdivision an amount equal to 5 percent of the applicable
11 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
12 under s. 11.31 (9), from contributions of money, other than loans, made by individuals
13 who reside in this state and, in the case of a candidate for legislative office, except
14 as provided in par. (bm), at least 50 percent of the amount of which are made by
15 individuals who reside within the legislative district in which the candidate seeks
16 office, which have been received during the qualifying period ending on the date of
17 the spring primary and July 1 preceding such date in the case of candidates at the
18 spring election, or the date of the September primary and January 1 preceding such
19 date in the case of candidates at the general election, or the date that a special
20 primary will or would be held, if required, and 90 days preceding such date or the
21 date a special election is ordered, whichever is earlier, in the case of special election
22 candidates, which contributions are in the aggregate amount of \$100 or less, and
23 which are fully identified and itemized as to the exact source thereof. A contribution
24 received from a conduit which is identified by the conduit as originating from an
25 individual shall be considered a contribution made by the individual. Only Except

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1 ~~as authorized in par. (bm), only~~ the first \$100 of an aggregate contribution of more
2 than \$100 may be counted toward the required percentage. ~~For a candidate at the~~
3 ~~spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at~~
4 ~~a special election, the required amount to qualify for a grant is 5 percent of the~~
5 ~~candidate's authorized disbursement limitation under s. 11.31. For any other~~
6 ~~candidate at the general election, the required amount to qualify for a grant is 10~~
7 ~~percent of the candidate's authorized disbursement limitation under s. 11.31.~~

8 **SECTION 128.** 11.50 (2) (bm) of the statutes is created to read:

9 11.50 (2) (bm) A candidate for legislative office may substitute contributions
10 received by the candidate from political party committees for not more than 50
11 percent of the contributions that are required under par. (b) 5. to be received from
12 individuals who reside within the legislative district in which the candidate seeks
13 office.

14 **SECTION 129.** 11.50 (2) (c) of the statutes is amended to read:

15 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the
16 spring primary, September primary, special primary, or date that the special primary
17 would be held, if required, which indicate that he or she has met the qualification
18 under par. (b) 5., the candidate may file a special report with the board. Such report
19 shall be filed not later than the 7th day after the primary, or 7th day after the date
20 the primary would be held, if required, and shall include such supplementary
21 information as to sources of contributions which may be necessary to complete the
22 candidate's qualification. The special report shall cover the period from the day after
23 the last date covered on the candidate's most recent report, or from the date on which
24 the first contribution was received or the first disbursement was made, whichever
25 is earlier, if the candidate has not previously filed a report, to the date of such report.

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1 All information included on the special report shall also be included in the
2 candidate's next report under s. 11.20 or 11.21 (16).

3 **SECTION 130.** 11.50 (2) (f) of the statutes is amended to read:

4 11.50 (2) (f) The board shall inform each candidate in writing of the approval
5 or disapproval of the candidate's application, as promptly as possible after the date
6 of the spring primary, September primary, special primary, or date that the primary
7 would be held, if required. With respect to a candidate at a special election who
8 applies for a postelection grant under sub. (1) (a) ~~2.~~ 1. b., the board shall inform the
9 candidate in writing of the conditional approval or disapproval of the candidate's
10 application at the same time.

11 **SECTION 131.** 11.50 (2) (g) of the statutes is amended to read:

12 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
13 in accordance with this subsection accepts and agrees to comply with the
14 contribution limitations prescribed in s. 11.26 and the disbursement limitations
15 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
16 or herself and his or her agents during the campaign as defined in s. 11.31 (7), as a
17 precondition to receipt of a grant under this section, unless the board determines
18 that the candidate is not eligible to receive a grant, the candidate withdraws the
19 application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

20 **SECTION 132.** 11.50 (2) (i) of the statutes is repealed.

21 **SECTION 133.** 11.50 (2s) of the statutes is created to read:

22 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party
23 account for each eligible political party whose state chairperson files a written
24 request with the board to establish an account for the party under this subsection.

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1 Each political party account consists of all moneys designated by individuals for
2 deposit in that account under s. 71.10 (3) (a).

3 (b) From the account of each eligible political party, the board shall apportion
4 moneys to eligible candidates representing that party who qualify to receive grants.
5 If at any election there are insufficient moneys in the account of any eligible political
6 party to make full payment of all grants for which candidates of that political party
7 qualify, the board shall apportion the available moneys in the account to candidates
8 of the political party in the proportion that the available moneys bear to the total
9 amount required to make full payment of all grants payable to candidates of that
10 political party. If any candidate of a political party qualifies to receive a
11 supplemental grant under sub. (9) (ba) or (bb) the board shall first make payment
12 of the supplemental grant from the account of that political party using the method
13 of apportionment provided in this paragraph if necessary.

14 (c) If a political party for which an account is established under this subsection
15 ceases to be an eligible political party, the board shall transfer the unencumbered
16 balance of that account to the general account.

17 **SECTION 134.** 11.50 (2w) of the statutes is created to read:

18 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
19 the fund consisting of all moneys in the fund not designated by individuals for deposit
20 in a political party account under s. 71.10 (3) (a).

21 **SECTION 135.** 11.50 (3) of the statutes is repealed.

22 **SECTION 136.** 11.50 (4) of the statutes is repealed.

23 **SECTION 137.** 11.50 (4e) of the statutes is created to read:

24 11.50 (4e) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment
25 of each grant to an eligible candidate from the political party account of that

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1 candidate's political party, if any, if there are sufficient moneys in that account to
2 make full payment of the grant, and then from the general account. If there are
3 insufficient moneys in the general account to make full payment of a grant, the state
4 treasurer shall supplement the general account from the appropriation under s.
5 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
6 provided in sub. (10), the amount of each grant is the amount specified in sub. (9).

7 **SECTION 138.** 11.50 (5) (title) of the statutes is amended to read:

8 11.50 (5) (title) TIME OF ~~DISBURSEMENT~~ GRANT PAYMENTS.

9 **SECTION 139.** 11.50 (5) of the statutes is renumbered 11.50 (5) (a) and amended
10 to read:

11 11.50 (5) (a) ~~The Except as provided in par. (b), the state treasurer shall make~~
12 ~~the disbursements to the campaign depository account of each eligible candidate~~
13 ~~under subs. (3) and (4) by the end of the 3rd business day following notice from the~~
14 ~~board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor and lieutenant~~
15 ~~governor of the same political party may combine accounts if desired.~~

16 **SECTION 140.** 11.50 (5) (b) and (c) of the statutes are created to read:

17 11.50 (5) (b) If an eligible candidate notifies the state treasurer of the
18 information required to make electronic transfers to the candidate's campaign
19 depository account, the state treasurer shall transfer to the campaign depository
20 account of that candidate any grant payment that becomes payable to the candidate
21 under sub. (9) as soon as possible following notice from the board under s. 7.08 (2)
22 (c) or (cm), but no later than the time specified in par. (a).

23 (c) Eligible candidates for governor and lieutenant governor of the same
24 political party may combine campaign depository accounts if desired.

25 **SECTION 141.** 11.50 (6) of the statutes is amended to read:

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1 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
2 amount that is payable to any eligible candidate under subs. (3) and (4) are this
3 section is more than the amount which a candidate may accept under sub. (9), or
4 more than the amount ~~which~~ that a candidate elects to accept under sub. (10), the
5 excess moneys shall be retained in the fund.

6 **SECTION 142.** 11.50 (9) (title) of the statutes is amended to read:

7 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

8 **SECTION 143.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
9 to read:

10 11.50 (9) (a) The Except as provided in this paragraph and pars. (ba) and (bb),
11 the total grant available to an eligible candidate may not exceed that amount which,
12 when added to all other contributions accepted from sources other than individuals,
13 and political party committees ~~and legislative campaign committees~~, is equal to ~~45~~
14 35 percent of the disbursement level specified for the ~~applicable~~ office that the
15 candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s.
16 11.31 (9). The board shall scrutinize accounts and reports and records kept under
17 this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are
18 not exceeded and any violation is reported. No candidate or campaign treasurer may
19 accept grants exceeding the amount authorized by this subsection.

20 **SECTION 144.** 11.50 (9) (ba) and (bb) of the statutes are created to read:

21 11.50 (9) (ba) If an eligible candidate at a primary or election, or both, who
22 accepts a grant is opposed by one or more candidates who are required, or whose
23 personal campaign committees are required, to file a report under s. 11.12 (8), then
24 the board shall make an additional grant to the eligible candidate who accepts a
25 grant in an amount equal to the total amount or value of disbursements, as reported

1 under s. 11.12 (8), made by the opposing candidate or candidates exceeding the
2 amount specified under s. 11.31 (1) (a) to (d), (e), or (f) for the office which the
3 candidate seeks, as adjusted under s. 11.31 (9), but not more than, together with any
4 additional grant provided under par. (bb), an amount equal to 3 times the amount
5 specified in s. 11.31 (1) (a) to (d), (e), or (f) for the office that the eligible candidate
6 seeks, as adjusted under s. 11.31 (9).

7 (bb) If the sum of the aggregate disbursements made by committees against an
8 eligible candidate and the aggregate disbursements made by committees for that
9 candidate's opponent, as reported under s. 11.12 (6) (c), exceeds 10 percent of the
10 amount specified under s. 11.31 (1) (a) to (d), (e), or (f), for the office that the eligible
11 candidate seeks as adjusted under s. 11.31 (9), then the board shall make an
12 additional grant to the eligible candidate in an amount equal to that sum but not
13 more than, together with any additional grant provided under par. (ba), an amount
14 equal to 3 times the amount specified in s. 11.31 (1) (a) to (d), (e) or (f) for the office
15 that the eligible candidate seeks, as adjusted under s. 11.31 (9).

16 **SECTION 145.** 11.50 (11) (e) of the statutes is amended to read:

17 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
18 any obligation to expend any grant if he or she violates the pledge required under
19 sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h)
20 or (i).

21 **SECTION 146.** 11.50 (13) of the statutes is amended to read:

22 11.50 (13) DONATIONS TO FUND. Any committee or other person may make an
23 unrestricted contribution to the general account of the fund by gift, bequest or devise.

24 **SECTION 147.** 11.50 (14) of the statutes is created to read:

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1 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each
2 even-numbered year, the board shall certify to the secretary of revenue:

3 1. No later than July 1, the name of each political party that qualifies under
4 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
5 state chairperson has filed a written request to establish an account for the party
6 under sub. (2s) (a).

7 2. No later than December 15, the name of each political party that qualifies
8 under sub. (1) (am) 2. as an eligible political party as of the date of the preceding
9 general election and whose state chairperson has filed a written request to establish
10 an account for the party under sub. (2s) (a).

11 (b) In each certification under this subsection, the board shall specify the
12 expiration date of the certification.

13 **SECTION 148.** 11.501 to 11.522 of the statutes are created to read:

14 **11.501 Democracy trust fund; definitions.** In ss. 11.501 to 11.522:

15 (1) "Allowable contribution" means a qualifying contribution, seed money
16 contribution, or personal contribution authorized under ss. 11.502 to 11.522.

17 (2) "Campaign" has the meaning given in s. 11.26 (17).

18 (3) "Election campaign period" means the period beginning on the day after the
19 spring primary election or the day on which a primary election would be held, if
20 required, and ending on the day of the succeeding spring election.

21 (4) "Eligible candidate" means a candidate for the office of justice who has an
22 opponent who has qualified to have his or her name certified for placement on the
23 ballot at the spring primary or election and who qualifies for a public financing
24 benefit by collecting the required number of qualifying contributions, making all

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1 required reports and disclosures, and being certified by the board as being in
2 compliance with ss. 11.502 to 11.522.

3 (5) “Excess disbursement amount” means the amount of disbursements made
4 by a nonparticipating candidate in excess of the public financing benefit available to
5 an eligible candidate for the same office that the nonparticipating candidate seeks.

6 (6) “Excess qualifying contribution amount” means the amount of qualifying
7 contributions accepted by a candidate beyond the number or dollar amount of
8 contributions required to qualify a candidate for a public financing benefit.

9 (7) “Exploratory period” means the period that begins after the date of a spring
10 election and ends on the first day of the public financing qualifying period for the next
11 election for justice.

12 (9) “Immediate family,” when used with reference to a candidate, includes the
13 candidate’s spouse and children.

14 (10) “Independent disbursement” means a disbursement by a person expressly
15 advocating the election or defeat of a clearly identified candidate which is made
16 without cooperation or consultation with a candidate, or any authorized committee
17 or agent of a candidate, and which is not made in concert with, or at the request or
18 suggestion of, any candidate, or any authorized committee or agent of a candidate.

19 (11) “Nonparticipating candidate” means a candidate for the office of justice
20 who does not apply for a public financing benefit or who is otherwise ineligible or fails
21 to qualify for a public financing benefit under ss. 11.502 to 11.522.

22 (12) “Personal funds” means funds contributed by a candidate or a member of
23 a candidate’s immediate family.

24 (13) “Primary election campaign period” means the period beginning on the
25 day after the last day prescribed by law for filing nomination papers for that office

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1 and ending on the day of the spring primary election for that office or the day on
2 which the primary election would be held, if required.

3 (14) "Public financing benefit" means a benefit provided to an eligible
4 candidate under ss. 11.501 to 11.522.

5 (15) "Public financing qualifying period" means the period beginning on the
6 first day of July of any year and ending on the day before the beginning of the primary
7 election campaign period for that office.

8 (16) "Qualifying contribution" means a contribution in an amount of not less
9 than \$5 nor more than \$100 made to a candidate by an elector of this state during
10 the public financing qualifying period, which is acknowledged by written receipt
11 identifying the contributor.

12 (17) "Seed money contribution" means a contribution in an amount of not more
13 than \$100 made to a candidate by an elector of this state during the exploratory
14 period or the public financing qualifying period, or a contribution made to a
15 candidate consisting of personal funds of that candidate in an amount not more than
16 the amount authorized under s. 11.507 during the exploratory period or the public
17 financing qualifying period.

18 **11.502 Qualification; certification.** (1) Before a candidate for justice in the
19 primary election may be certified as an eligible candidate to receive a public
20 financing benefit for the primary election campaign period, the candidate shall apply
21 to the board for a public financing benefit and file a sworn statement that the
22 candidate has complied and will comply with all requirements of this section and ss.
23 11.503 to 11.522 throughout the applicable campaign, which includes the primary
24 and election for that office. A candidate shall file the application and statement no

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1 later than the beginning of the primary election campaign period for the office that
2 the candidate seeks.

3 (2) A candidate shall be certified by the board as an eligible candidate for
4 receipt of a public financing benefit for a primary election if the candidate complies
5 with sub. (1) and receives qualifying contributions from at least 1,000 separate
6 contributors in an aggregate amount of not less than \$5,000 nor more than \$15,000
7 before the close of the public financing qualifying period.

8 (3) The board shall verify a candidate's compliance with the requirements of
9 sub. (2) by such verification and sampling techniques as the board considers
10 appropriate.

11 (4) Each candidate shall:

12 (a) Acknowledge each qualifying contribution by a receipt to the contributor
13 which contains the contributor's name and home address.

14 (b) No later than the 15th or the last day of the month which immediately
15 follows the date of receipt of a qualifying contribution, whichever comes first, file a
16 copy of the receipt under par. (a) with the board, except that during July, August, and
17 September a copy need only be filed by the last day of the month.

18 (5) A qualifying contribution may be utilized only for the purpose of making
19 a disbursement authorized by law.

20 **11.503 Time of application.** (1) Before a candidate may be certified as
21 eligible for receipt of a public financing benefit for the spring election, the candidate
22 shall apply to the board and file a sworn statement that the candidate has fulfilled
23 all the requirements of ss. 11.502 to 11.522 during the primary election campaign
24 period and will comply with such requirements during the election campaign period.
25 Except as authorized in s. 8.35 (4) (b), the application shall be filed no later than the

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1 7th day after the date of the spring primary or the day on which the primary election
2 would be held if a primary were required.

3 (2) The board shall certify a candidate as an eligible candidate for receipt of a
4 public financing benefit for the spring election if the candidate complies with sub. (1)
5 and the candidate was an eligible candidate during the primary election campaign
6 period.

7 **11.505 Agreement by candidate.** An eligible candidate who accepts a public
8 financing benefit under ss. 11.502 to 11.522 during the primary election campaign
9 period shall agree to comply with all requirements of ss. 11.502 to 11.522 throughout
10 the election campaign period during the same campaign as a precondition to receipt
11 of a public financing benefit. An eligible candidate who accepts a public financing
12 benefit during a primary election campaign period may not elect to accept private
13 contributions in violation of ss. 11.502 to 11.522 during the corresponding election
14 campaign period.

15 **11.506 Requirements imposed upon candidates.** (1) An eligible
16 candidate shall not accept private contributions other than seed money
17 contributions and qualifying contributions that the candidate accepts during the
18 exploratory period and the public financing qualifying period.

19 (2) In addition to reports required to be filed under ss. 11.12 (5) and 11.20, a
20 candidate who receives a public financing benefit shall furnish complete financial
21 records, including records of seed money contributions, qualifying contributions, and
22 disbursements, to the board on the 15th or the last day of the month that
23 immediately follows the receipt of the contribution or the making of the
24 disbursement, whichever comes first, except that during July, August, and

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1 September records need only be furnished by the last day of the month. Each such
2 candidate shall cooperate with any audit or examination by the board.

3 (3) In addition to adhering to requirements imposed under ss. 11.06 (5) and
4 11.12 (3), a candidate who receives a public financing benefit shall maintain records
5 of all contributions received by the candidate of more than \$5 but less than \$50,
6 including seed money contributions and qualifying contributions, which shall
7 contain the full name of the contributor and the contributor's full home address. In
8 addition, if a contributor's aggregate contributions to any candidate exceed \$50 for
9 any campaign, the candidate shall also maintain a record of the contributor's
10 principal occupation and the name and business address of the contributor's place
11 of employment.

12 (4) The failure to record or provide the information specified in sub. (3)
13 disqualifies a contribution from being used by a candidate as a qualifying
14 contribution.

15 (5) No eligible candidate and no person acting on a candidate's behalf may
16 deposit any contribution that is not recorded in accordance with sub. (3) in a
17 candidate's campaign depository account.

18 (6) No eligible candidate may accept more than \$25 in cash from any
19 contributor. No eligible candidate may accept cash from all sources in a total amount
20 greater than one-tenth of 1 percent of the public financing benefit for the office that
21 the candidate seeks or \$500, whichever is greater.

22 **11.507 Personal funds of candidates.** (1) The personal funds of a candidate
23 contributed as seed money contributions may not exceed an aggregate amount of
24 \$5,000.

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1 (2) No eligible candidate may make any disbursement derived from personal
2 funds after the close of the public financing qualifying period.

3 **11.508 Seed money contributions.** (1) An eligible candidate may accept
4 seed money contributions from any individual or committee prior to the end of the
5 public financing qualifying period, provided the total contributions received from one
6 contributor, except personal funds and qualifying contributions otherwise permitted
7 under ss. 11.502 to 11.522, do not exceed \$100, and the aggregate contributions,
8 including personal funds, but not including qualifying contributions, do not exceed
9 \$5,000.

10 (2) An eligible candidate may make disbursements derived from seed money
11 contributions only during the exploratory period and the public financing qualifying
12 period.

13 **11.509 Excess contributions.** If an eligible candidate receives excess seed
14 money contributions or qualifying contributions on an aggregate basis, the
15 candidate may retain the contributions and make disbursements derived from the
16 contributions, in an amount not exceeding \$15,000. An amount equivalent to the
17 excess contributions shall be deducted by the board from the candidate's public
18 financing benefit. An eligible candidate shall transfer to the board all seed money
19 and qualifying contributions that exceed the limits prescribed in this section within
20 48 hours after the end of the exploratory period. The board shall deposit all
21 contributions transferred under this section in the democracy trust fund.

22 **11.51 Certification by candidate.** (1) To apply for a public financing benefit,
23 a candidate shall certify to the board that the candidate has complied and will
24 comply, throughout the applicable campaign, with all requirements of ss. 11.502 to
25 11.522 and that all disclosures required as of the time of application have been made,

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1 and shall present evidence of the requisite number of qualifying contributions
2 received by the candidate. The candidate's request for certification shall be signed
3 by the candidate and the candidate's campaign treasurer.

4 (2) The board shall distribute to each eligible candidate at the spring primary
5 election a check for the amount of the public financing benefit payable to the
6 candidate promptly after the candidate demonstrates his or her eligibility and, in
7 any event, not later than 5 days after the end of the public financing qualifying
8 period; however, no candidate may utilize a check received under this subsection
9 until the beginning of the primary election campaign period.

10 (3) The board shall distribute to each eligible candidate for justice at a spring
11 election a check for the amount of the public financing benefit payable to the
12 candidate not later than 48 hours after the date of the spring primary election for the
13 office of justice, or the date that the primary election would be held if a primary were
14 required. However, no candidate for a particular office shall receive a check until all
15 candidates for the office of justice who apply and qualify for a public financing benefit
16 have been certified as eligible candidates.

17 (4) If any candidate who receives a public financing benefit violates the
18 requirements of ss. 11.502 to 11.522, the board shall require the candidate to repay
19 all public funds received by the candidate to the board. The board shall deposit all
20 repayments received under this subsection in the democracy trust fund.

21 **11.511 Public financing benefits.** (1) The board shall provide to each
22 eligible candidate who qualifies to receive a public financing benefit for the primary
23 or election campaign period separate checks for the public financing benefits payable
24 to the candidate for the primary and election campaign periods in the amounts
25 specified in this section, subject to any required adjustment under s. 11.509, 11.512

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1 (2) or 11.513 (2). An eligible candidate may use this public financing benefit to
2 finance any lawful disbursements during the primary and election campaign periods
3 to further the election of the candidate in that primary or election. An eligible
4 candidate shall not use this public financing benefit to repay any loan, or in violation
5 of ss. 11.502 to 11.522 or any other applicable law.

6 (2) Except as provided in ss. 11.512 (2) and 11.513 (2), the public financing
7 benefit for a primary election campaign period is \$100,000.

8 (3) Except as provided in ss. 11.512 (2) and 11.513 (2), the public financing
9 benefit for an election campaign period is \$300,000.

10 (4) If there is no spring primary for the office of justice, no eligible candidate
11 may receive a public financing benefit for the primary election campaign period.

12 (5g) An eligible candidate who receives a public financing benefit in the
13 primary election campaign period and whose name is certified to appear on the ballot
14 at the election following that primary may utilize any unencumbered balance of the
15 public financing benefit received by the candidate in the primary election campaign
16 period for the election campaign period.

17 (5r) Except as permitted in sub. (5g), an eligible candidate who receives a
18 public financing benefit and who does not encumber or expend some portion of the
19 benefit for a purpose described in sub. (1) shall return any unencumbered portion of
20 the benefit to the board within 30 days after the primary or election in which the
21 candidate participates.

22 (6) Notwithstanding subs. (2) and (3), beginning on July 1, 2012, and every 2
23 years thereafter, the board shall modify the public financing benefits provided for in
24 subs. (2) and (3) to adjust for the change in the consumer price index, all items, U.S.

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1 city average, published by the U.S. department of labor for the preceding 2-year
2 period ending on December 31.

3 **11.512 Financial activity by nonparticipating candidates.** (1) In
4 addition to other reports required by law, a nonparticipating candidate for an office
5 at a primary or election who receives contributions or makes or obligates to make
6 disbursements in an amount that is more than 5 percent greater than the public
7 financing benefit applicable to an eligible candidate for the same office at the same
8 primary or election shall file a report with the board itemizing the total contributions
9 received and disbursements made or obligated to be made by the candidate as of the
10 date of the report. The board shall transmit copies of the report to all candidates for
11 the same office at the same election. A nonparticipating candidate shall file
12 additional reports after the candidate receives each additional \$1,000 of
13 contributions, or the candidate makes or obligates to make each additional \$1,000
14 of disbursements. If such contributions are received or such disbursements are made
15 or obligated to be made more than 6 weeks prior to the date of the primary election
16 at which the name of the candidate appears on the ballot, or prior to the date that
17 the primary election would be held, if a primary were required, the reports shall be
18 made at the next regular reporting interval under s. 11.506. If such contributions
19 are received or such disbursements made or obligated to be made within 6 weeks
20 prior to the date of the primary election at which the name of the candidate appears
21 on the ballot, or within 6 weeks prior to the date that the primary election would be
22 held, if a primary were required, the reports shall be made within 24 hours after each
23 instance in which such contributions are received, or such disbursements are made
24 or obligated to be made.

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1 (2) Upon receipt of such information, the state treasurer shall immediately
2 issue a check to an opposing eligible candidate in an additional amount equivalent
3 to the total excess disbursements made or obligated to be made, but not to exceed 3
4 times the public financing benefit for the applicable office.

5 **11.513 Independent disbursements.** (1) If any person makes, or becomes
6 obligated to make, by oral or written agreement, an independent disbursement in
7 excess of \$1,000 with respect to a candidate for the office of justice at a spring primary
8 or election, that person shall file with the board a notice of the disbursement or
9 obligation to make the disbursement. Any such person shall file reports of such
10 disbursements or obligations to make such disbursements on the 15th or last day of
11 the month that immediately follows the date of the disbursement or the obligation
12 to make the disbursement, whichever comes first, except that, within 6 weeks prior
13 to the date of the spring primary election, if a primary is held, and within 6 weeks
14 prior to the date of the spring election, the person shall file such reports within 24
15 hours after each independent disbursement is made or obligated to be made. Any
16 such person shall file an additional report after each additional \$1,000 of
17 disbursements are made or obligated to be made.

18 (2) When the aggregate independent disbursements against an eligible
19 candidate for an office or for the opponents of that candidate exceed 120 percent of
20 the public financing benefit for that office in any campaign, the board shall
21 immediately credit that candidate's account with an additional line of credit
22 equivalent to the total disbursements made or obligated to be made, but not to exceed
23 3 times the public financing benefit for the applicable office.

24 **11.515 Democracy trust fund.** The democracy trust fund shall be
25 administered by the state treasurer.

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1 **11.516 Administration.** Except as otherwise specifically provided in ss.
2 11.501 to 11.522, the duties of and authority for administering and enforcing ss.
3 11.501 to 11.522 are vested in the board.

4 **11.517 Penalties; enforcement. (1)** Notwithstanding s. 11.60 (1), if an
5 eligible candidate makes disbursements that exceed the total amount of the public
6 financing benefit allocated to the candidate for any campaign and the total
7 qualifying and seed money contributions lawfully accepted by the candidate, the
8 candidate may be required to forfeit not more than 10 times the amount by which the
9 disbursements exceed the allocation.

10 **(2)** Notwithstanding s. 11.60 (1), any eligible candidate who accepts
11 contributions in excess of any limitation imposed under ss. 11.502 to 11.522 may be
12 required to forfeit not more than 10 times the amount by which the contributions
13 exceed the applicable limitation.

14 **(3)** If the board finds that there is probable cause to believe that an eligible
15 candidate has made excess disbursements or has accepted excess contributions
16 contrary to sub. (1) or (2), the board shall attempt for a period of not more than 14
17 days after its finding to correct the matter by informal methods of conference and
18 conciliation and to enter into a settlement and conciliation agreement under s. 5.05
19 (1) (c) with the person involved. A settlement and conciliation agreement made
20 pursuant to this subsection shall be a matter of public record. Unless violated, a
21 settlement and conciliation agreement is a bar to any civil action under sub. (4).

22 **(4)** If the board has probable cause to believe that an eligible candidate has
23 made excess disbursements or has accepted excess contributions and the board is
24 unable to correct the matter by informal methods within the time prescribed in sub.
25 (3), the board shall make a public finding of probable cause in the matter. After

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1 making a public finding, the board may bring a civil action against the eligible
2 candidate as provided in s. 5.05 (1) (c).

3 (5) If an elector believes that an eligible candidate has violated ss. 11.502 to
4 11.522 and the elector is entitled to vote for or against the eligible candidate in the
5 election in connection with which the violation is alleged to occur, the elector may file
6 a complaint with the board requesting it to take remedial action. If the board refuses
7 to take remedial action or, within 30 days after the filing of such a complaint, fails
8 to take remedial action, the elector may commence a civil action requesting the court
9 to impose a forfeiture under sub. (1) or (2) in circuit court for the county where the
10 board is authorized to bring an action under s. 5.05 (1) (c).

11 (6) The board and courts shall expedite all proceedings under ss. 11.502 to
12 11.522 so that all complaints brought prior to an election are resolved, to the extent
13 possible, before the election is held.

14 (7) If a complaint brought under ss. 11.502 to 11.522 is resolved against the
15 complainant and is found to have been brought in bad faith and without reasonable
16 basis therefor, the board or court may assess costs, including reasonable attorney
17 fees, against the complainant.

18 **11.518 Prohibited acts.** (1) Notwithstanding s. 11.61 (1) (c), if an eligible
19 candidate or agent of a candidate knowingly accepts more contributions than the
20 candidate is entitled to receive, or makes disbursements exceeding the total amount
21 of the public financing benefit received by the candidate and the qualifying and seed
22 money contributions lawfully received by the candidate, the candidate or agent is
23 guilty of a Class G felony.

24 (2) Notwithstanding s. 11.61 (1) (c), if in connection with the receipt or
25 disbursement of a public financing benefit for an election campaign, any person

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1 knowingly provides false information to the board, or knowingly conceals or
2 withholds information from the board, that person is guilty of a Class G felony.

3 **11.522 Contributions to nonparticipating candidates; attributions. (1)**

4 A nonparticipating candidate may accept contributions from private sources without
5 limitation, except that no person may make any contribution or contributions to a
6 nonparticipating candidate exceeding a total of \$1,000 during any campaign.

7 (2) In addition to the attribution required under s. 11.30 (2), any electronic or
8 print communication paid for or authorized by a nonparticipating candidate shall
9 contain the following sentence: “This communication is paid for with money raised
10 from private sources. This candidate has not agreed to abide by campaign
11 contribution and spending limits.”

12 **SECTION 149.** 11.60 (3s) and (3u) of the statutes are created to read:

13 11.60 (3s) Notwithstanding sub. (1), if any candidate or committee, other than
14 a conduit, makes a disbursement for the purpose of supporting or opposing a
15 candidate for an office specified in s. 11.31 (1) (a) to (d), (e), or (f) without reporting
16 the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with respect
17 to that disbursement, to the extent required under ss. 11.12 (6) (c) and (8) and 11.20
18 (3) and (4) and 11.21 (16), the candidate or committee may be required to forfeit not
19 more than \$500 per day for each day of continued violation.

20 (3u) Notwithstanding sub. (1), if any person, including any candidate or
21 committee to whom s. 11.12 (6) (c) or (8) applies, makes any disbursement for the
22 purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1)
23 (a) to (d), (e), or (f) in an amount or value that differs from the amount reported by
24 that person under s. 11.12 (6) (c) or (8), 11.20 (3) or (4), or 11.21 (16):

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1 (a) By more than 5 percent but not more than 10 percent cumulatively, the
2 person shall forfeit 4 times the amount or value of the difference.

3 (b) By more than 10 percent but not more than 15 percent cumulatively, the
4 person shall forfeit 6 times the amount or value of the difference.

5 (c) By more than 15 percent cumulatively, the person shall forfeit 8 times the
6 amount of the difference.

7 **SECTION 150.** 11.60 (4) of the statutes is amended to read:

8 11.60 (4) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h),
9 5.08, and 5.081, actions under this section or s. 11.517 may be brought by the board
10 or by the district attorney for the county where the defendant resides or, if the
11 defendant is a nonresident, by the district attorney for the county where the violation
12 is alleged to have occurred. For purposes of this subsection, a person other than a
13 natural person resides within a county if the person's principal place of operation is
14 located within that county.

15 **SECTION 151.** 11.61 (1) (a) of the statutes is amended to read:

16 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) ~~or (2r)~~, 11.07
17 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 (1) is guilty of a Class I felony.

18 **SECTION 152.** 11.61 (2) of the statutes is amended to read:

19 11.61 (2) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i),
20 5.08, and 5.081, all prosecutions under this section or s. 11.518 shall be conducted
21 by the district attorney for the county where the defendant resides or, if the
22 defendant is a nonresident, by the district attorney for the county where the violation
23 is alleged to have occurred. For purposes of this subsection, a person other than a
24 natural person resides within a county if the person's principal place of operation is
25 located within that county.

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1 **SECTION 157.** 20.585 (1) (r) of the statutes is created to read:

2 20.585 (1) (r) *Democracy trust fund administration.* From the democracy trust
3 fund, the amounts in the schedule for the administration of ss. 11.501 to 11.522.

4 **SECTION 158.** 20.855 (4) (b) of the statutes is amended to read:

5 20.855 (4) (b) *Election campaign fund payments.* A sum sufficient equal to
6 one-third of the amounts determined designated under s. 71.10 (3) for the general
7 account of the Wisconsin election campaign fund to be paid into the Wisconsin
8 election campaign fund annually on August 15.

9 **SECTION 159.** 20.855 (4) (ba) of the statutes is created to read:

10 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
11 equal to the amount required to make full payment of grants which candidates
12 qualify to receive from the Wisconsin election campaign fund, to be transferred from
13 the general fund to the Wisconsin election campaign fund whenever candidates
14 qualify to receive grants under s. 11.50 (9) no later than the time required to make
15 payments of grants under s. 11.50 (5).

16 **SECTION 160.** 20.855 (4) (bb) of the statutes is created to read:

17 20.855 (4) (bb) *Democracy trust fund payments.* A sum sufficient equal to
18 two-thirds of the amounts designated under s. 71.10 (3) for the general account of
19 the Wisconsin election campaign fund to be paid into the democracy trust fund
20 annually on August 15.

21 **SECTION 161.** 20.855 (4) (bc) of the statutes is created to read:

22 20.855 (4) (bc) *Democracy trust fund transfer.* A sum sufficient equal to the
23 difference between the unencumbered balance in the democracy trust fund and the
24 sum of the amounts appropriated under ss. 20.511 (1) (r) and 20.585 (1) (r) and the
25 amounts required to provide public financing benefits that candidates qualify to

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1 receive from the democracy trust fund, to be transferred from the general fund to the
2 democracy trust fund no later than the time required to make payments of grants
3 under s. 11.51 (2) and (3).

4 **SECTION 162.** 25.17 (1) (cm) of the statutes is created to read:

5 25.17 (1) (cm) Democracy trust fund (s. 25.421);

6 **SECTION 163.** 25.42 of the statutes is amended to read:

7 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
8 s. 20.855 (4) (b) and (ba) together with all moneys reverting to the state under s. ss.
9 8.35 (4) (a), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys
10 reverting to the state under s. 11.50 (8), and all gifts, bequests and devises received
11 under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended
12 for the purposes of s. 11.50. All moneys in the fund not disbursed by the state
13 treasurer shall continue to accumulate indefinitely.

14 **SECTION 164.** 25.421 of the statutes is created to read:

15 **25.421 Democracy trust fund.** All moneys appropriated under s. 20.855 (4)
16 (bb) and (bc) and all moneys deposited in the state treasury under ss. 11.509, 11.51
17 (4), and 11.511 (5r) constitute the democracy trust fund, to be expended for the
18 purposes of ss. 11.501 to 11.522.

19 **SECTION 165.** 71.07 (6n) of the statutes is created to read:

20 71.07 (6n) PUBLIC INTEGRITY ENDOWMENT TAX CREDIT. (a) *Definitions.* In this
21 subsection:

22 1. “Claimant” means an individual who makes a contribution and files a claim
23 under this subsection.

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1 2. “Contribution” means a contribution, as defined in s. 11.01 (6), made to the
2 Public Integrity Endowment created under 2009 Wisconsin Act ... (this act), section
3 171 (1).

4 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
5 claimant may claim as a credit against the tax imposed under s. 71.02, up to the
6 amount of those taxes, an amount equal to the claimant’s contribution in the taxable
7 year to which the claim relates.

8 (c) *Limitations.* No credit may be allowed under this subsection unless it is
9 claimed within the time period under s. 71.75 (2).

10 (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit
11 under that subsection, applies to the credit under this subsection.

12 **SECTION 166.** 71.10 (3) (a) of the statutes is amended to read:

13 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
14 or is entitled to a tax refund may designate \$1 \$5 for transfer to the Wisconsin
15 election campaign fund for the use of eligible candidates under s. 11.50. If the
16 individuals filing a joint return have a tax liability or are entitled to a tax refund,
17 each individual may make a designation of \$1 \$5 under this subsection. Each
18 individual making a designation shall indicate whether the amount designated by
19 the individual shall be placed in the general account for the use of all eligible
20 candidates for state office, or in the account of an eligible political party whose name
21 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not
22 indicate that the amount of his or her designation shall be placed in the account of
23 a particular eligible political party, that amount shall be placed in the general
24 account.

ASSEMBLY BILL 388**SECTION 167**

1 **SECTION 167.** 71.10 (3) (a) of the statutes, as affected by 2009 Wisconsin Act ...
2 (this act), is amended to read:

3 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
4 or is entitled to a tax refund may designate \$5 for transfer to the Wisconsin election
5 campaign fund and the democracy trust fund for the use of eligible candidates under
6 s. 11.50. If the individuals filing a joint return have a tax liability or are entitled to
7 a tax refund, each individual may make a designation of \$5 under this subsection.
8 Each individual making a designation shall indicate whether the amount designated
9 by the individual shall be placed in the general account for the use of all eligible
10 candidates for state office, or in the account of an eligible political party whose name
11 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not
12 indicate that the amount of his or her designation shall be placed in the account of
13 a particular eligible political party, that amount shall be placed in the general
14 account.

15 **SECTION 168.** 71.10 (3) (b) of the statutes is amended to read:

16 71.10 (3) (b) The secretary of revenue shall provide a place for those
17 designations under par. (a) on the face of the individual income tax return and shall
18 ~~provide place~~ next to that place a statement that a designation will not increase tax
19 liability. ~~Annually on August 15, the secretary of revenue shall certify to the~~
20 ~~government accountability board, the department of administration and the state~~
21 ~~treasurer under s. 11.50 the total amount of designations made during the preceding~~
22 ~~fiscal year. No later than the 15th day of each month, the secretary of revenue shall~~
23 ~~certify to the government accountability board, the department of administration,~~
24 ~~and the state treasurer the total amount of designations made on returns processed~~
25 ~~by the department of revenue during the preceding month and the amount of~~

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1 designations made during that month for the general account and for the account of
2 each eligible political party. If any individual attempts to place any condition or
3 restriction upon a designation not authorized under par. (a), that individual is
4 deemed not to have made a designation on his or her tax return.

5 **SECTION 169.** 71.10 (4) (ds) of the statutes is created to read:

6 71.10 (4) (ds) The Public Integrity Endowment tax credit under s. 71.07 (6n).

7 **SECTION 170.** 806.041 of the statutes is created to read:

8 **806.041 Campaign finance registration.** Any person who proposes to
9 publish, disseminate, or broadcast, or causes to be published, disseminated, or
10 broadcast, any communication may commence a proceeding under s. 806.04 to
11 determine the application to that person of a registration requirement under s. 11.05
12 (1), (2), or (2g).

13 **SECTION 171. Nonstatutory provisions.**

14 (1) PUBLIC INTEGRITY ENDOWMENT. The legal counsel to the government
15 accountability board shall prepare and file articles of incorporation for the
16 incorporation under chapter 181 of the statutes of an organization to be known as the
17 "Public Integrity Endowment." The legal counsel shall ensure that the organization
18 is structured so that it will qualify as a nonprofit organization, as defined in section
19 108.02 (19) of the statutes. The legal counsel shall specify in the articles of
20 incorporation that the sole purpose of the foundation shall be to solicit contributions
21 for the purpose of supplementing the assets of the general account of the Wisconsin
22 election campaign fund, and transferring those contributions, after deduction of
23 solicitation costs, to that account.

24 (2) WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER. The balance in the
25 Wisconsin election campaign fund on the effective date of this subsection is credited

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1 to the general account of the Wisconsin election campaign fund established under
2 section 11.50 (2w) of the statutes, as created by this act.

3 (3) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if
4 a court finds that all or any portion of section 11.12 (6) (c) or (8) or 11.50 (9) (ba) or
5 (bb) of the statutes, as affected by this act, is unconstitutional, then sections 11.12
6 (6) (c) and (8) and 11.50 (9) (ba) and (bb) of the statutes, as affected by this act, are
7 void in their entirety.

8 **SECTION 172. Initial applicability.**

9 (1) Except as provided in subsections (2) and (3), this act first applies with
10 respect to elections held on the effective date of this subsection.

11 (2) The treatment of sections 11.01 (12v), (12w), (13), (14), and (16) (a) 3. and
12 4. and 11.06 (2) of the statutes, the renumbering and amendment of section 11.01 (16)
13 (b) of the statutes, and the creation of section 11.01 (16) (b) 2. of the statutes first
14 apply with respect to reporting periods that begin on or after the effective date of this
15 subsection.

16 (3) The treatment of section 11.31 (9) of the statutes first applies to adjustments
17 for the biennium beginning on January 1, 2012.

18 (4) The treatment of sections 71.07 (6n) and 71.10 (3) (a) (by SECTION 166) and
19 (b) and (4) (ds) of the statutes first applies to taxable years beginning on January 1
20 of the year in which this subsection takes effect, except that if this subsection takes
21 effect after July 31 the treatment first applies to taxable years beginning on January
22 1 of the year following the year in which this subsection takes effect.

23 (5) The treatment of section 71.10 (3) (a) (by SECTION 167) of the statutes first
24 applies to the taxable year beginning on January 1 of the year after the year in which
25 section 71.10 (3) (a) (as affected by SECTION 166) of the statutes takes effect.

