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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections, and Urban Affairs (SC-LEUA)

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2001 - 2002 LEGISLATURE

LRB-0311/3
JTK/RJM/MES/JK kg km

2001 SENATE BILL 62

February 23, 2001 - Introduced by Senators BURKE, HARSDFORF, ERPENBACH and ROSENZWEIG, cosponsored by Representatives MUSSER, TRAVIS and BOCK. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT *to repeal* 11.01 (5m), 11.01 (12s), 11.05 (3) (o), 11.05 (9) (b), 11.06 (11),
2 11.24 (1m), 11.26 (9) (c), 11.26 (12m), 11.265, 11.31 (2m), 11.50 (2) (h), 11.50 (2)
3 (i), 11.50 (3) and 13.625 (1) (c) 1. and 2.; *to renumber* 11.05 (2r) (title), 11.05
4 (9) (a), 11.24 (2) and 11.50 (7); *to renumber and amend* 11.05 (1), 11.05 (2),
5 11.05 (2r), 11.12 (6), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (9) and 13.625 (1) (c)
6 (intro.); *to amend* 5.02 (13), 7.08 (2) (c) and (cm), 7.70 (3) (e) 1., 8.30 (2), 8.35
7 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 10.02 (3) (b) 2m., 11.05 (3) (c), 11.05 (3)
8 (n), 11.05 (5), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),
9 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09
10 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19
11 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
12 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (a) to (c), 11.26 (2)
13 (a), 11.26 (4), 11.26 (8), 11.26 (9) (a) and (b), 11.26 (10), 11.31 (1) (intro.), 11.31
14 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (1) (a)

2001 - 2002 Legislature

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LRB-0311/3
JTK/RJM/MES/JK:kg km

SENATE BILL 62

1 3., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g),
 2 11.50 (5), 11.50 (6), 11.50 (9) (title), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a), 13.625
 3 (1) (b) 3., 13.625 (2), 13.625 (6), 15.61, 20.510 (1) (q), 25.42, 71.10 (3) (a), 71.10
 4 (3) (b) and 71.26 (1) (a); *to repeal and recreate* 11.05 (9) (title) and 11.50 (4);
 5 and *to create* 7.08 (2) (cs), 11.01 (13) and (20), 11.01 (16) (a) 3., 11.05 (1) (b),
 6 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12
 7 (6) (c) and (d), 11.12 (8) and (9), 11.19 (1m) and (6), 11.24 (1v), 11.24 (1w), 11.24
 8 (4), 11.26 (8m), 11.26 (8n), 11.31 (1) (de), 11.31 (1m), 11.31 (3p), 11.31 (9), 11.50
 9 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50
 10 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (7) (bm), 11.50 (9) (a) 1. and 2.,
 11 11.50 (9) (b) and (ba), 11.50 (14), 13.625 (3m), 20.855 (4) (ba), 71.05 (6) (a) 21.,
 12 71.07 (5) (a) 9., 71.07 (6n), 71.10 (4) (cn), 71.26 (2) (b) 1g., 71.26 (3) (e) 4., 71.34
 13 (1) (ad), 71.45 (2) (a) 16. and 806.04 (11m) of the statutes; **relating to:** campaign
 14 financing, lobbying regulation, designations for the Wisconsin election
 15 campaign fund by individuals filing state income tax returns, income and
 16 franchise tax deductions for certain business expenses related to lobbying,
 17 creating a nonrefundable individual income tax credit for certain campaign
 18 contributions, composition and staffing of the elections board, providing
 19 exemptions from emergency rule procedures, granting rule-making authority,
 20 and making appropriations.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the lobbying regulation and income and franchise tax laws and to the composition and staffing of the elections board. Significant changes include:

SENATE BILL 62

4. Mass communications

Currently, individuals who accept contributions, organizations which make or accept contributions, or individuals who or organizations which 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 or organization that, within 60 days of an election and by means of a newspaper, periodical, commercial billboard, radio station, television station, mass mailing, or telephone bank operator, makes a communication which includes the name or likeness of a candidate at that election, an office to be filled at that election, or a political party. 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.

5. 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 limit applicable to the office which the candidate seeks may receive a grant equal to 45% of that disbursement limit, less certain committee contributions accepted by the candidate, 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 made less than 15 days before a primary or election and if the cumulative amount of such disbursements exceeds \$20.

This bill:

2001 – 2002 Legislature

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LRB-031113
JTK/RJM/MES/JK:kg,km

SENATE BILL 62

SECTION 8

1 insert or write in the name of the elector's choice for a party candidate, if any. In order
2 to qualify for participation in the Wisconsin election campaign fund, a candidate for
3 state office at the September primary, other than a candidate for district attorney,
4 must receive at least 6% 2% of all votes cast on all ballots for the office for which he
5 or she is a candidate, in addition to other requirements.

6 SECTION 9. 11.01 (5m) of the statutes is repealed.

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

8 SECTION 11. 11.01 (13) and (20) of the statutes are created to read:

9 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of
10 substantially identical material.

11 (20) "Telephone bank operator" means any person who places or directs the
12 placement of telephone calls to individuals.

13 SECTION 12. 11.01 (16) (a) 3. of the statutes is created to read:

14 11.01 (16) (a) 3. A communication that is made by means of one or more
15 communications media or a mass mailing, or through a telephone bank operator,
16 other than a communication that is exempt from reporting under s. 11.29, that is
17 made during the period beginning on the 60th day preceding an election and ending
18 on the date of that election and that includes a name or likeness of a candidate whose
19 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that
20 election, the name of an office to be filled at that election, or the name of a political
21 party.

22 SECTION 13. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
23 to read:

24 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
25 a personal campaign committee, ~~and every political group subject to registration~~

2001 - 2002 LEGISLATURE

LRB 1531/1
JTK&RAIJ wlfjl

2001 SENATE BILL 104

March 22, 2001 – Introduced by Senators ELLIS, SCHULTZ, HUELSMAN and ROSENZWEIG. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4)
3 (b) and 71.10 (3); *to renumber and amend* 11.12 (6), 11.26 (9) (a), 11.26 (10),
4 11.50 (2) (b) 5. and 11.50 (9); *to amend* 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm),
5 8.35 (4) (b), 10.02 (3) (b) 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2),
6 11.06 (7m) (a), 11.06 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3)
7 (d), 11.20 (3) (g), 11.20 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26
8 (1) (a), (b) and (c), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9)
9 (b), 11.26 (13), 11.26 (17) (a), 11.31 (1) (a), 11.31 (1) (c) and (d), 11.31 (1) (e) and
10 (f), 11.31 (2), 11.31 (7) (a), 11.50 (title), 11.50 (1) (b), 11.50 (2) (a), 11.50 (2) (b)
11 (intro.), 11.50 (2) (g), 11.50 (5), 11.50 (9) (title), 11.50 (11) (e), 11.61 (1) (a), 11.61
12 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q), 25.17 (1) (ys) and 25.42; *to repeal*
13 *and recreate* 11.50 (4); and *to create* 11.01 (16) (a) 3., 11.05 (3) (d), 11.12 (6)
14 (b) to (e), 11.12 (7) (a), 11.12 (7) (b), 11.12 (7) (c), 11.12 (7) (d), 11.20 (2e), 11.20

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LRB-15314
JTK&RMJ vlgjl

SENATE BILL 104

1 (2s), 11.20 (2t), 11.20 (8) (ak) and (aL), 11.20 (8) (am), 11.20 (8) (an), 11.24 (1t),
 2 11.24 (1w), 11.26 (1m), 11.26 (9) (a) 1. to 5., 11.26 (9) (aa), 11.26 (9) (am), 11.26
 3 (10) (b), 11.26 (10a), 11.31 (3p), 11.31 (6) (c), 11.31 (9), 11.50 (2) (b) 5. a. to e.,
 4 11.50 (2) (bm), 11.50 (9) (a) 1. to 5., 11.50 (9) (b), 11.50 (9) (ba), 11.50 (9) (bb),
 5 11.50 (9) (bc), 11.50 (9a), 11.60 (3s) and (3t), 11.61 (1) (d), 11.62 and 20.855 (4)
 6 (bb) of the statutes; **relating to:** campaign financing, providing exemptions
 7 from emergency rule procedures, granting rule-making authority, making
 8 appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures), 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 elections 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.

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount to be transferred and the individual to whom or the organization to which the transfer is to be made, the contribution is considered to be made by the original contributor for purposes of reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining compliance with contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a "conduit" under the law. A conduit must identify itself to the ultimate recipient as a conduit and provide to that recipient the information about the contribution that is necessary for the recipient to file its campaign finance reports.

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LRB: 1534/1
JTK&RMJ wlj/jf

SENATE BILL 104

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all contributors.

2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$335,000 from all contributors.

3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$167,000 from all contributors.

4. For a candidate for the office of justice or state superintendent, \$167,000 from all contributors.

5. For a candidate for the office of state senator, \$20,000 from all political party committees or \$100,000 from all contributors.

6. For a candidate for the office of representative to the assembly, \$10,000 from all political party committees or \$50,000 from all contributors.

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2004, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general or a special election, to file an additional report on the tenth day after the election.

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 and by means of a newspaper, periodical, commercial billboard, or radio or television station, makes a communication which includes a reference to a candidate at that election, an office to be filled at that election, or a political party. 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.

Disbursement limitations

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 who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Under current law, the disbursement limitations apply to a candidate's entire primary and election campaign combined. Additionally, the disbursement levels for candidates for the

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SENATE BILL 104

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LRB-1534/1
JTK&RMJ/wlj/jf
SECTION 4

1 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
2 11.50 (8).

3 SECTION 5. 10.02 (3) (b) 2m. of the statutes is amended to read:

4 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
5 ballot of his or her choice or the ballot containing the names of the independent
6 candidates for state office, and make a cross [x] in the square at the right of or
7 depress the lever or button next to the candidate's name for each office for whom the
8 elector intends to vote or insert or write in the name of the elector's choice for a party
9 candidate, if any. In order to qualify for participation in the Wisconsin election
10 campaign clean government fund, a candidate for state office at the September
11 primary, other than a candidate for district attorney, must receive at least 6% of all
12 votes cast on all ballots for the office for which he or she is a candidate, in addition
13 to other requirements.

14 SECTION 6. 11.01 (5m) of the statutes is amended to read:

15 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
16 which receives a contribution of money and transfers the contribution to another
17 individual or ~~organization~~ committee without exercising discretion as to the amount
18 which is transferred and the individual to whom or ~~organization~~ committee to which
19 the transfer is made.

20 SECTION 7. 11.01 (12s) of the statutes is repealed.

21 SECTION 8. 11.01 (16) (a) 3. of the statutes is created to read:

22 11.01 (16) (a) 3. A communication that is made by means of one or more
23 communications media, other than a communication that is exempt from reporting
24 under s. 11.29, that is made during the period beginning on the 60th day preceding
25 an election and ending on the date of that election and that includes a reference to

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LRB-1534/I
JFK&RMJ:wijjl
SECTION 8

SENATE BILL 104

1 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
2 the ballot at that election, a reference to an office to be filled at that election or a
3 reference to a political party.

4 SECTION 9. 11.05 (3) (c) of the statutes is amended to read:

5 11.05 (3) (c) In the case of a committee, a statement as to whether the
6 committee is a personal campaign committee, a political party committee, a
7 ~~legislative campaign committee~~, a support committee or a special interest
8 committee

9 SECTION 10. 11.05 (3) (d) of the statutes is created to read:

10 11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

11 SECTION 11. 11.05 (3) (o) of the statutes is repealed.

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

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

19 SECTION 13. 11.06 (2) of the statutes is amended to read:

20 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
21 sub. (1), if a disbursement is made or obligation incurred by an individual other than
22 a candidate or by a committee or group which is not primarily organized for political
23 purposes, and the disbursement does not constitute a contribution to any candidate
24 or other individual, committee or group, the disbursement or obligation is required
25 to be reported only if the purpose is to expressly advocate the election or defeat of a

2001 - 2002 LEGISLATURE

LRB--4824/1
RJM&JTK.kmg:kjf

ENGROSSED 2001 SENATE BILL 104

January 30, 2002 - Printed by direction of SENATE CHIEF CLERK.

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (2m), 11.50
2 (2) (h), 11.50 (2) (i) and 11.50 (3); *to renumber* 11.05 (2r) (title), 11.24 (2), 11.50
3 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and amend* 11.05 (1), 11.05 (2), 11.05
4 (2r), 11.12 (6), 11.26 (9) (a), 11.26 (9) (b), 11.50 (9), 19.49 (5) and 19.59 (7); *to*
5 *amend* 5.02 (13), 7.08 (2) (c) and (cm), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4),
6 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05
7 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (4) (b), 11.06
8 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.06 (11) (c), 11.07 (1), 11.07 (5), 11.09 (3),
9 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title),
10 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21
11 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.25 (2) (b), 11.26 (1) (intro.), 11.26
12 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (10), 11.26 (12m), 11.31 (1)
13 (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a)
14 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g).

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LRB-4824/1
RJM&JTK:kmg,kjf

ENGROSSED SENATE BILL 104

1 11.50 (5), 11.50 (6), 11.50 (9) (title), 11.50 (11) (a), 11.50 (11) (e), 11.60 (4), 11.61
 2 (1) (a), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.10 (3) (a) and 71.10 (3) (b);
 3 *to repeal and recreate* 11.05 (9) (title) and 11.50 (4); and *to create* 7.08 (2)
 4 (cs), 11.001 (2m), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05
 5 (3) (r), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9),
 6 11.20 (2s), 11.20 (2t), 11.24 (1w), 11.24 (4), 11.26 (2) (ad) to (au), 11.26 (8m), 11.26
 7 (9) (a) 1. to 7., 11.26 (9) (b) 1. to 7., 11.31 (1) (de), 11.31 (1m), 11.31 (3p), 11.31
 8 (9), 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and
 9 (cm), 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50 (9) (b), (ba)
 10 and (bb), 11.50 (14), 11.60 (3s) and (3t), 13.625 (3m), 19.42 (3m), (4g) and (4r),
 11 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8)
 12 (cm) and (cn), 20.855 (4) (ba) and 806.04 (11m) of the statutes; **relating to:**
 13 campaign financing, official action in return for providing or withholding
 14 political contributions, services, or other things of value, lobbying regulation,
 15 designations for the Wisconsin election campaign fund by individuals filing
 16 state income tax returns, staffing of the elections board, providing exemptions
 17 from emergency rule procedures, granting rule-making authority, making
 18 appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2001 Senate Bill 104, as ordered to a third reading on January 29, 2002, consists of Senate Substitute Amendment 1, as adopted in the senate on that date, as affected by the following Senate Amendments adopted in the senate on that date: Senate Amendments 1, 2, 3, 5, and 6 (as affected by chief clerk's correction).

Senate Amendments 3 and 6 both affect proposed s. 11.50 (9) (b). This bill reflects the effect of both amendments, which causes certain cross-references to be omitted.

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LRB-1824/1
RJM&JTK:kmg:kjf**ENGROSSED SENATE BILL 104**

This bill requires each committee that is currently required to file its campaign finance reports electronically to file those reports within 24 hours after a reportable transaction occurs. Under the bill, once a registrant becomes subject to an electronic reporting requirement, the requirement continues to apply until a termination report is filed, regardless of the level of continuing financial activity of the registrant. In accordance with current law, the bill also requires registrants who file electronically to file copies of reports, at the times currently prescribed by law, recorded on a medium prescribed by the board. The change applies effective with reports filed on or after the day on which the bill becomes law.

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 and by means of communications media, makes communications which include a reference to a candidate at that election, an office to be filled at that election, or a political party. 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.

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 elections 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% of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports,

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LRB-182471
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SECTION 13m

ENGROSSED SENATE BILL 104

1 SECTION 13m. 11.01 (16) (a) 3. of the statutes is created to read:

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

9 SECTION 14. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
10 to read:

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

19 SECTION 15. 11.05 (1) (b) of the statutes is created to read:

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

24 SECTION 16. 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
25 to read.

2001 - 2002 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 184

June 12, 2001 – Offered by Representative MILLER.

1 AN ACT *to repeal* 11.06 (3) (b); *to amend* 11.06 (1) (intro.), 11.06 (2), 11.12 (4) and
2 11.61 (1) (a) to (c); and *to create* 11.01 (13) and (20), 11.01 (16) (a) 3., 11.24 (1v),
3 11.60 (3s) and 11.61 (1) (d) of the statutes; **relating to:** acceptance of
4 contributions, the scope of regulation and reporting of information by
5 nonresident registrants under the campaign finance law, and providing a
6 penalty.

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

7 SECTION 1. 11.01 (13) and (20) of the statutes are created to read:

8 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of
9 substantially identical material.

10 (20) "Telephone bank operator" means any person who places or directs the
11 placement of 50 or more substantially identical telephone calls to individuals.

1 SECTION 2. 11.01 (16) (a) 3. of the statutes is created to read:

2 11.01 (16) (a) 3. A communication that is made by means of one or more
3 communications media or a mass mailing, or through a telephone bank operator,
4 other than a communication that is exempt from reporting under s. 11.29, that is
5 made during the period beginning on the 60th day preceding an election and ending
6 on the date of that election and that includes a name or likeness of a candidate whose
7 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that
8 election or the name of an office to be filled at that election.

9 SECTION 3. 11.06 (1) (intro.) of the statutes is amended to read:

10 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), ~~(3)~~ and
11 (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full
12 reports, upon a form prescribed by the board and signed by the appropriate
13 individual under sub. (5), of all contributions received, contributions or
14 disbursements made, and obligations incurred. Each report shall contain the
15 following information, covering the period since the last date covered on the previous
16 report, unless otherwise provided:

17 SECTION 4. 11.06 (2) of the statutes is amended to read:

18 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
19 sub. (1), if a disbursement is made or obligation incurred by an individual other than
20 a candidate or by a committee or group which is not primarily organized for political
21 purposes, and the disbursement does not constitute a contribution to any candidate
22 or other individual, committee or group, the disbursement or obligation is required
23 to be reported only if the purpose is to expressly advocate the election or defeat of a
24 clearly identified candidate or the adoption or rejection of a referendum or if the
25 disbursement is made or the obligation incurred to make a communication that is

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ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 843

February 26, 2002 – Offered by Representatives TRAVIS, POCAN, CULLEN, CARPENTER, BERCEAU, TURNER, BOCK, SHERMAN, BLACK, MEYERHOFER, SCHOOFF, KRUG, J. LEHMAN, PLOUFF, LASSA, GRONEMUS, HEBL, MILLER, RILEY, BALOW, RYBA, MORRIS-TATUM, COGGS, WASSERMAN and COLON.

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (2m), 11.50
2 (2) (h), 11.50 (2) (i) and 11.50 (3); *to renumber* 11.05 (2r) (title), 11.24 (2), 11.50
3 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and amend* 11.05 (1), 11.05 (2), 11.05
4 (2r), 11.12 (6), 11.26 (9) (a), 11.26 (9) (b), 11.50 (9), 19.49 (5) and 19.59 (7); *to*
5 *amend* 5.02 (13), 7.08 (2) (c) and (cm), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4),
6 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05
7 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (4) (b), 11.06
8 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.06 (11) (c), 11.07 (1), 11.07 (5), 11.09 (3),
9 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title),
10 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21
11 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.25 (2) (b), 11.26 (1) (intro.), 11.26
12 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (10), 11.26 (12m), 11.31 (1)
13 (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a)

1 reference to a candidate at that election, an office to be filled at that election, or a
2 political party in order to permit increased funding for candidates who are affected
3 by those communications. This minimal disclosure burden is outweighed by the need
4 to establish an effective funding mechanism for affected candidates to effectively
5 respond to communications that may impact an election.

6 SECTION 11. 11.01 (12s) of the statutes is repealed.

7 SECTION 12. 11.01 (16) (a) 3. of the statutes is created to read:

8 11.01 (16) (a) 3. A communication that is made by means of one or more
9 communications media, other than a communication that is exempt from reporting
10 under s. 11.29, that is made during the period beginning on the 60th day preceding
11 an election and ending on the date of that election and that includes a reference to
12 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
13 the ballot at that election, a reference to an office to be filled at that election, or a
14 reference to a political party.

15 SECTION 13. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
16 to read:

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

25 SECTION 14. 11.05 (1) (b) of the statutes is created to read:

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LRBa3131/1
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**ASSEMBLY AMENDMENT 3,
TO 2005 ASSEMBLY BILL 1187**

May 2, 2006 – Offered by Representative KRAWCZYK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “office” insert “and certain other individuals and
3 committees”.

4 **2.** Page 1, line 4: before that line insert:

5 “SECTION 1c. 11.01 (16) (a) 4. of the statutes is created to read:

6 11.01 (16) (a) 4. A communication that is made by means of one or more
7 communications media, other than a communication that is exempt from reporting
8 under s. 11.29, that is made during the period beginning on the 60th day preceding
9 an election and ending on the date of that election and that includes a reference to
10 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
11 the ballot at that election, a reference to an office to be filled at that election, or a
12 reference to a political party.”.

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2005 ASSEMBLY BILL 392

April 27, 2005 – Introduced by Representatives BLACK, POPE-ROBERTS, TRAVIS, PARISI, TURNER, MOLEPSKE, BERCEAU, LEHMAN, SEIDEL and BOYCE, cosponsored by Senators ERPENBACH, CARPENTER, HANSEN, LASSA and MILLER. Referred to Committee on Campaigns and Elections.

1 AN ACT *to repeal* 11.01 (4m), 11.01 (12s), 11.01 (12w), (13) and (14), 11.01 (17g)
2 and (17r), 11.05 (2r), 11.05 (3) (o), 11.05 (7), 11.06 (1) (cm) and (dm), 11.06 (3m),
3 11.06 (3r), 11.06 (3w), 11.06 (4) (e), 11.06 (11) (bm), 11.20 (8) (am), 11.21 (17),
4 11.26 (1m) and (1c), 11.26 (2) (ae), 11.26 (2) (as), 11.26 (2) (av), 11.26 (2m) and
5 (2t), 11.26 (8n) and (8r), 11.26 (9) (am), 11.26 (9) (c), 11.26 (9m), 11.26 (10a),
6 11.265, 11.31 (2m), 11.385, 11.50 (2) (b) 6., 11.50 (2) (h), 11.50 (2) (i), 11.50 (3),
7 11.60 (3r), 71.07 (6s) and 71.10 (4) (gw); *to renumber* 11.24 (2); *to amend* 8.10
8 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 11.05 (6), 11.05 (12) (title), 11.06 (11) (c),
9 11.50 (11) (a) and 11.50 (13); *to repeal and recreate* 5.02 (13), 5.05 (2), 7.08
10 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) l. a. and b., 8.35 (4) (c) and (d), 11.001 (2m),
11 11.01 (16) (a) 3., 11.05 (1), 11.05 (2), 11.05 (3) (c), 11.05 (3) (m), 11.05 (3) (r), 11.05
12 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro), 11.06
13 (1) (e), 11.06 (2), 11.06 (2m) (title) and (a), 11.06 (2m) (b) to (d), 11.06 (3) (b)
14 (intro), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07

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1 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.12
2 (8) and (9), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20
3 (2), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),
4 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.24 (1w), 11.24
5 (4), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (2) (am), 11.26 (3),
6 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26
7 (12m), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)
8 (de), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.31 (3p), 11.31 (9), 11.38 (1) (a)
9 2., 11.38 (6), 11.38 (8) (b), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (1) (a) 2m., 11.50
10 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (a), 11.50 (2) (b) 3., 11.50 (2) (b) 4.,
11 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (j), 11.50 (2m),
12 11.50 (2s), 11.50 (2w), 11.50 (4), 11.50 (5), 11.50 (6), 11.50 (7) (intro.), 11.50 (8),
13 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.50 (14), 11.60 (4), 11.61 (1) (a), 20.510
14 (1) (q), 25.42, 71.10 (3) and 806.04 (11m); **to create** 7.08 (2) (cs), 11.05 (3) (s),
15 11.05 (5r), 11.12 (2m), 11.26 (2) (ad), 11.26 (2) (au), 11.26 (8m), 11.31 (1m), 11.50
16 (4m), 11.50 (10), 11.60 (3s) and (3t), 13.625 (3m) and 20.855 (4) (ba) of the
17 statutes; and **to affect** 2001 Wisconsin Act 109, section 9115 (2v), (2w) and (2x),
18 2001 Wisconsin Act 109, section 9115 (2y), 2001 Wisconsin Act 109, section 9132
19 (4v), 2001 Wisconsin Act 109, section 9215 (3v), 2001 Wisconsin Act 109, section
20 9244 (6v), 2001 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin
21 Act 109, section 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx);
22 **relating to:** campaign financing, lobbying regulation, designations for the
23 Wisconsin election campaign fund by individuals filing state income tax
24 returns, nonrefundable income tax credits for certain donations to the
25 Wisconsin election campaign fund, candidate time on public broadcasting

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1 television stations and public access channels, statewide voter registration,
2 staffing of the Elections Board, providing exemptions from emergency rule
3 procedures, granting rule-making authority, making appropriations, and
4 providing penalties

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 Elections Board.

2001 Wisconsin Act 109 made comprehensive changes to campaign finance, ethics, lobbying regulation, income tax, public broadcasting, and cable television laws. Most changes made by Act 109 took effect on July 1, 2003. With the exception of provisions requiring candidate time on public broadcasting stations and public access channels at public expense, these provisions were made nonseverable so that if a court found that any of the provisions were unconstitutional all of the provisions would then be invalid. In *Wisconsin Realtors Association et al. v. Ponto et al.*, 299 F. Supp. 2d 889 (2002), the U.S. District Court for the Western District of Wisconsin found that one provision of Act 109 relating to advance reporting of certain independent disbursements before obligations are incurred to make those disbursements violates the First and Fourteenth amendments. This decision apparently precludes enforcement and administration of the Act 109 changes as of December 11, 2002. The Act 109 changes, however, currently remain in the statutes.

This bill deletes all of the changes described above made by Act 109, including the changes not affected by the nonseverability provision, and makes other changes to campaign finance, income tax, and lobbying regulation laws and the staffing of the Elections Board. Unlike Act 109, the bill does not affect the code of ethics for state public officials. The following is a description of the changes made by this bill to the statutes in effect before July 1, 2003 and, in each case, a notation as to whether the change was contained in Act 109:

FILING OF CAMPAIGN FINANCE REPORTS

Exemptions from registration and reporting

Currently, with certain exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, 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 is potentially subject to requirements to register with the appropriate filing officer and to file campaign finance reports.

Currently, with certain limited exceptions, any individual who accepts and makes or transfers political contributions, or who incurs obligations or makes disbursements for political purposes, and any organization that makes or transfers

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In addition, the bill 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 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 with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements only if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

The above changes were included in Act 109.

Electronic filing

Currently, reports under the campaign finance law must be filed by certain dates specified by law and must cover time periods specified by law. Candidates for state office or their personal campaign or authorized support committees and other individuals, committees, and groups supporting or opposing candidates for state office or statewide ballot questions file their reports with the state Elections Board. Each registrant for whom the Elections Board serves as a filing agency and who or that accepts contributions in a total amount or value of \$20,000 or more during a campaign period, or a biennial period for a registrant other than a candidate or personal campaign or support committee, must file reports with the board electronically. Any registrant who or that files a report electronically must also file a copy of the report recorded on a medium prescribed by the board.

This bill requires each committee that is currently required to file its campaign finance reports electronically to file those reports within 24 hours after a reportable transaction occurs. Under the bill, once a registrant becomes subject to an electronic reporting requirement, the requirement continues to apply until a termination report is filed, regardless of the level of continuing financial activity of the registrant. In accordance with current law, the bill also requires registrants who file electronically to file copies of reports, at the times currently prescribed by law, recorded on a medium prescribed by the board. The change applies effective with reports filed on or after the day on which the bill becomes law.

This change was included in Act 109.

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 and by means of communications media, makes any

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communication which includes a reference to a candidate at that election, an office to be filled at that election, or a political party. The bill also requires an individual or organization who or which 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 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.

Act 109 contained similar but not identical provisions.

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 fourteenth 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 Elections 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 grant from the Wisconsin election campaign fund (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 Elections Board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The reports must be filed no later than 24 hours after each disbursement is made, and must include the information that is currently required to be reported pertaining to disbursements made by candidates. The reports must be filed during the period beginning with the date on which a disbursement is made or the seventh day after the applicable primary election or the date on which a primary would be held, if required, whichever is later, and ending with date of the election at which the candidate seeks office.

This 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 receives any contribution, makes any

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1 (d) The newly appointed candidate shall file his or her report in the manner
2 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate
3 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed
4 candidate shall include any transferred moneys in his or her first report.

5 SECTION 11. 11.001 (2m) of the statutes, as created by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

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

14 SECTION 12. 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109,
15 is repealed

16 SECTION 13. 11.01 (12s) of the statutes is repealed.

17 SECTION 14. 11.01 (12w), (13) and (14) of the statutes, as created by 2001
18 Wisconsin Act 109, are repealed.

19 SECTION 15. 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.01 (16) (a) 3. A communication that is made by means of one or more
22 communications media, other than a communication that is exempt from reporting
23 under s. 11.29, that is made during the period beginning on the 60th day preceding
24 an election and ending on the date of that election and that includes a reference to
25 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on

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JTK&MES:tkjg
SECTION 15

1 the ballot at that election, a reference to an office to be filled at that election, or a
2 reference to a political party.

3 SECTION 16. 11.01 (17g) and (17r) of the statutes, as created by 2001 Wisconsin
4 Act 109, are repealed.

5 SECTION 17. 11.05 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

7 11.05 (1) COMMITTEES AND GROUPS. (a) Except as provided in s. 9.10 (2) (d), every
8 committee, other than a personal campaign committee, that makes or accepts
9 contributions, incurs obligations, or makes disbursements in a calendar year in an
10 aggregate amount in excess of \$25 shall file a statement with the appropriate filing
11 officer giving the information required by sub. (3). In the case of any committee other
12 than a personal campaign committee, the statement shall be filed by the treasurer.
13 A personal campaign committee shall register under sub. (2g).

14 (b) Every political group subject to registration under s. 11.23 which makes or
15 accepts contributions, incurs obligations, or makes disbursements in a calendar year
16 in an aggregate amount in excess of \$100 shall file a statement with the appropriate
17 filing officer giving the information required by sub. (3).

18 SECTION 18. 11.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.05 (2) INDIVIDUALS. (a) Except as provided in s. 9.10 (2) (d), every individual,
21 other than a candidate or agent of a candidate, who accepts contributions, incurs
22 obligations, or makes disbursements with respect to one or more elections for state
23 or local office in a calendar year in an aggregate amount in excess of \$25 shall file
24 a statement with the appropriate filing officer giving the information required by
25 sub. (3). An individual who guarantees a loan on which an individual, committee or

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SECTION 18

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1 group subject to a registration requirement defaults is not subject to registration
2 under this subsection solely as a result of such default.

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

7 SECTION 19. 11.05 (2r) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is repealed.

9 SECTION 20. 11.05 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 11.05 (3) (c) In the case of a committee, a statement as to whether the
12 committee is a personal campaign committee, a political party committee, a support
13 committee, or a special interest committee.

14 SECTION 21. 11.05 (3) (m) of the statutes, as created by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 11.05 (3) (m) In the case of a personal campaign committee, the name of the
17 candidate on whose behalf the committee was formed or intends to operate and the
18 office or offices that the candidate seeks.

19 SECTION 22. 11.05 (3) (o) of the statutes is repealed.

20 SECTION 23. 11.05 (3) (r) of the statutes, as created by 2001 Wisconsin Act 109,
21 is repealed and recreated to read:

22 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
23 candidate, the telephone number or numbers and a facsimile transmission number
24 or electronic mail address, if any, at which the candidate may be contacted.

25 SECTION 24. 11.05 (3) (s) of the statutes is created to read:

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2005 SENATE BILL 538

January 31, 2006 – Introduced by Senators ERPENBACH, CARPENTER, HANSEN, LASSA, MILLER and COGGS, cosponsored by Representatives BLACK, POPE-ROBERTS, TRAVIS, PARISI, TURNER, MOLEPSKE, BERCEAU, LEHMAN, SEIDEL, BOYLE, HEBL, SHERIDAN and VAN AKKEREN. Referred to Committee on Campaign Finance Reform and Ethics.

1 AN ACT *to repeal* 11.01 (4m), 11.01 (12s), 11.01 (12w), (13) and (14), 11.01 (17g)
2 and (17r), 11.05 (2r), 11.05 (3) (o), 11.05 (7), 11.06 (1) (cm) and (dm), 11.06 (3m),
3 11.06 (3r), 11.06 (3w), 11.06 (4) (e), 11.06 (11) (bm), 11.20 (8) (am), 11.21 (17),
4 11.26 (1m) and (1t), 11.26 (2) (ae), 11.26 (2) (as), 11.26 (2) (av), 11.26 (2m) and
5 (2t), 11.26 (8n) and (8r), 11.26 (9) (am), 11.26 (9) (c), 11.26 (9m), 11.26 (10a),
6 11.265, 11.31 (2m), 11.385, 11.50 (2) (b) 6., 11.50 (2) (h), 11.50 (2) (i), 11.50 (3),
7 11.60 (3r), 71.07 (6s) and 71.10 (4) (gw); *to renumber* 11.24 (2); *to amend* 8.10
8 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 11.05 (6), 11.05 (12) (title), 11.06 (11) (c),
9 11.50 (11) (a) and 11.50 (13); *to repeal and recreate* 5.02 (13), 5.05 (2), 7.08
10 (2) (c) and (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m),
11 11.01 (16) (a) 3., 11.05 (1), 11.05 (2), 11.05 (3) (c), 11.05 (3) (m), 11.05 (3) (r), 11.05
12 (5), 11.05 (9) (title), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06
13 (1) (e), 11.06 (2), 11.06 (2m) (title) and (a), 11.06 (2m) (b) to (d), 11.06 (3) (b)
14 (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07

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1 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.12 (6), 11.12
2 (8) and (9), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20
3 (2), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),
4 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.24 (1w), 11.24
5 (4), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (2) (am), 11.26 (3),
6 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26
7 (12m), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)
8 (de), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.31 (3p), 11.31 (9), 11.38 (1) (a)
9 2., 11.38 (6), 11.38 (8) (b), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (1) (a) 2m., 11.50
10 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (a), 11.50 (2) (b) 3., 11.50 (2) (b) 4.,
11 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (j), 11.50 (2m),
12 11.50 (2s), 11.50 (2w), 11.50 (4), 11.50 (5), 11.50 (6), 11.50 (7) (intro.), 11.50 (8),
13 11.50 (9), 11.50 (10m), 11.50 (11) (e), 11.50 (14), 11.60 (4), 11.61 (1) (a), 20.510
14 (1) (q), 25.42, 71.10 (3) and 806.04 (11m); *to create* 7.08 (2) (cs), 11.05 (3) (s),
15 11.05 (5r), 11.12 (2m), 11.26 (2) (ad), 11.26 (2) (au), 11.26 (8m), 11.31 (1m), 11.50
16 (4m), 11.50 (10), 11.60 (3s) and (3t), 13.625 (3m) and 20.855 (4) (ba) of the
17 statutes; and *to affect* 2001 Wisconsin Act 109, section 9115 (2v), (2w) and (2x),
18 2001 Wisconsin Act 109, section 9115 (2y), 2001 Wisconsin Act 109, section 9132
19 (4v), 2001 Wisconsin Act 109, section 9215 (3v), 2001 Wisconsin Act 109, section
20 9244 (6v), 2001 Wisconsin Act 109, section 9315 (2v) and (2w), 2001 Wisconsin
21 Act 109, section 9344 (2v) and 2001 Wisconsin Act 109, section 9415 (1zx);
22 **relating to:** campaign financing, lobbying regulation, designations for the
23 Wisconsin election campaign fund by individuals filing state income tax
24 returns, nonrefundable income tax credits for certain donations to the
25 Wisconsin election campaign fund, candidate time on public broadcasting

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1 television stations and public access channels, statewide voter registration,
2 staffing of the Elections Board, providing exemptions from emergency rule
3 procedures, granting rule-making authority, making appropriations, and
4 providing penalties.

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 Elections Board.

2001 Wisconsin Act 109 made comprehensive changes to campaign finance, ethics, lobbying regulation, income tax, public broadcasting, and cable television laws. Most changes made by Act 109 took effect on July 1, 2003. With the exception of provisions requiring candidate time on public broadcasting stations and public access channels at public expense, these provisions were made nonseverable so that if a court found that any of the provisions were unconstitutional all of the provisions would then be invalid. In *Wisconsin Realtors Association et al. v. Ponto et al.*, 299 F. Supp. 2d 889 (2002), the U.S. District Court for the Western District of Wisconsin found that one provision of Act 109 relating to advance reporting of certain independent disbursements before obligations are incurred to make those disbursements violates the First and Fourteenth amendments. This decision apparently precludes enforcement and administration of the Act 109 changes as of December 11, 2002. The Act 109 changes, however, currently remain in the statutes.

This bill deletes all of the changes described above made by Act 109, including the changes not affected by the nonseverability provision, and makes other changes to campaign finance, income tax, and lobbying regulation laws and the staffing of the Elections Board. Unlike Act 109, the bill does not affect the code of ethics for state public officials. The following is a description of the changes made by this bill to the statutes in effect before July 1, 2003 and, in each case, a notation as to whether the change was contained in Act 109:

FILING OF CAMPAIGN FINANCE REPORTS

Exemptions from registration and reporting

Currently, with certain exceptions, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, 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 is potentially subject to requirements to register with the appropriate filing officer and to file campaign finance reports.

Currently, with certain limited exceptions, any individual who accepts and makes or transfers political contributions, or who incurs obligations or makes disbursements for political purposes, and any organization that makes or transfers

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contributions, or that incurs obligations or makes disbursements for political purposes, must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information.

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. The bill also 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 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 deletes that exception.

None of the above changes was included in Act 109.

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.

This change was included in Act 109.

Currently, with certain exceptions, a registrant who or which is required to register with a filing officer in this state must file regular reports identifying contributions received and disbursements made and providing certain other information. However, a committee of a candidate for the U.S. Senate or House of Representatives or 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 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 Elections 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.

The above changes were not included in Act 109.

Reporting thresholds

The bill also 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.

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JTK&MES:IK:dh**SENATE BILL 538**

In addition, the bill 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 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 with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements only if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

The above changes were included in Act 109.

Electronic filing

Currently, reports under the campaign finance law must be filed by certain dates specified by law and must cover time periods specified by law. Candidates for state office or their personal campaign or authorized support committees and other individuals, committees, and groups supporting or opposing candidates for state office or statewide ballot questions file their reports with the state Elections Board. Each registrant for whom the Elections Board serves as a filing agency and who or that accepts contributions in a total amount or value of \$20,000 or more during a campaign period, or a biennial period for a registrant other than a candidate or personal campaign or support committee, must file reports with the board electronically. Any registrant who or that files a report electronically must also file a copy of the report recorded on a medium prescribed by the board.

This bill requires each committee that is currently required to file its campaign finance reports electronically to file those reports within 24 hours after a reportable transaction occurs. Under the bill, once a registrant becomes subject to an electronic reporting requirement, the requirement continues to apply until a termination report is filed, regardless of the level of continuing financial activity of the registrant. In accordance with current law, the bill also requires registrants who file electronically to file copies of reports, at the times currently prescribed by law, recorded on a medium prescribed by the board. The change applies effective with reports filed on or after the day on which the bill becomes law.

This change was included in Act 109.

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 and by means of communications media, makes any

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communication which includes a reference to a candidate at that election, an office to be filled at that election, or a political party. The bill also requires an individual or organization who or which 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 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.

Act 109 contained similar but not identical provisions.

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 fourteenth 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 Elections 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 grant from the Wisconsin election campaign fund (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 Elections Board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The reports must be filed no later than 24 hours after each disbursement is made, and must include the information that is currently required to be reported pertaining to disbursements made by candidates. The reports must be filed during the period beginning with the date on which a disbursement is made or the seventh day after the applicable primary election or the date on which a primary would be held, if required, whichever is later, and ending with date of the election at which the candidate seeks office.

This 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 receives any contribution, makes any

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1 (d) The newly appointed candidate shall file his or her report in the manner
2 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate
3 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed
4 candidate shall include any transferred moneys in his or her first report.

5 SECTION 11. 11.001 (2m) of the statutes, as created by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

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

14 SECTION 12. 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109,
15 is repealed.

16 SECTION 13. 11.01 (12s) of the statutes is repealed.

17 SECTION 14. 11.01 (12w), (13) and (14) of the statutes, as created by 2001
18 Wisconsin Act 109, are repealed.

19 SECTION 15. 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.01 (16) (a) 3. A communication that is made by means of one or more
22 communications media, other than a communication that is exempt from reporting
23 under s. 11.29, that is made during the period beginning on the 60th day preceding
24 an election and ending on the date of that election and that includes a reference to
25 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on

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SECTION 15

1 the ballot at that election, a reference to an office to be filled at that election, or a
2 reference to a political party.

3 SECTION 16. 11.01 (17g) and (17r) of the statutes, as created by 2001 Wisconsin
4 Act 109, are repealed.

5 SECTION 17. 11.05 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

7 11.05 (1) COMMITTEES AND GROUPS. (a) Except as provided in s. 9.10 (2) (d), every
8 committee, other than a personal campaign committee, that makes or accepts
9 contributions, incurs obligations, or makes disbursements in a calendar year in an
10 aggregate amount in excess of \$25 shall file a statement with the appropriate filing
11 officer giving the information required by sub. (3). In the case of any committee other
12 than a personal campaign committee, the statement shall be filed by the treasurer.
13 A personal campaign committee shall register under sub. (2g).

14 (b) Every political group subject to registration under s. 11.23 which makes or
15 accepts contributions, incurs obligations, or makes disbursements in a calendar year
16 in an aggregate amount in excess of \$100 shall file a statement with the appropriate
17 filing officer giving the information required by sub. (3).

18 SECTION 18. 11.05 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.05 (2) INDIVIDUALS. (a) Except as provided in s. 9.10 (2) (d), every individual,
21 other than a candidate or agent of a candidate, who accepts contributions, incurs
22 obligations, or makes disbursements with respect to one or more elections for state
23 or local office in a calendar year in an aggregate amount in excess of \$25 shall file
24 a statement with the appropriate filing officer giving the information required by
25 sub. (3). An individual who guarantees a loan on which an individual, committee or

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LRBa0243/t
JTK:wljf

**SENATE AMENDMENT 1,
TO 2005 SENATE BILL 46**

March 2, 2005 - Offered by Senators **RISSE**R and **MILLER**.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 17, line 20: delete "or (bb)".

3 **2.** Page 18, line 8: delete "or (bb)".

4 **3.** Page 20, line 12: delete "election" and substitute "election, an office to be
5 filled at that election, or a political party".

6 **4.** Page 20, line 17: delete the material beginning with that line and ending
7 with page 21, line 2, and substitute:

8 "SECTION 10. 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109,
9 is repealed."

10 **5.** Page 21, line 4: delete lines 4 and 5 and substitute:

11 "SECTION 12. 11.01 (12w), (13) and (14) of the statutes, as created by 2001
12 Wisconsin Act 109, are repealed."

1 **6.** Page 21, line 6: delete the material beginning with that line and ending with
2 page 22, line 2, and substitute:

3 “SECTION 16m. 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin
4 Act 109, is repealed and recreated to read:

5 11.01 (16) (a) 3. A communication that is made by means of one or more
6 communications media, other than a communication that is exempt from reporting
7 under s. 11.29, that is made during the period beginning on the 60th day preceding
8 an election and ending on the date of that election and that includes a reference to
9 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
10 the ballot at that election, a reference to an office to be filled at that election, or a
11 reference to a political party.”.

12 **7.** Page 24, line 9: after that line insert:

13 “SECTION 25m. 11.05 (3) (s) of the statutes is created to read:

14 11.05 (3) (s) In the case of a registrant that has made a communication
15 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
16 11.06 (1) with respect to any obligation to make a disbursement incurred or any
17 disbursement made for the purpose of making such a communication prior to
18 registration.”.

19 **8.** Page 27, line 16: after “purposes,” insert “and”.

20 **9.** Page 27, line 17: delete the material beginning with “and” and ending with
21 “11.065,” on line 18.

22 **10.** Page 32, line 25: delete the material beginning with that line and ending
23 with page 34, line 14.

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LRBa0327/1
JTK:wlj:pg

**SENATE AMENDMENT 4,
TO 2005 SENATE BILL 46**

March 16, 2005 – Offered by Senators ROBSON, BRESKE, CARPENTER and LASSA.

1 At the locations indicated, amend the bill as follows:

2 1. Page 16, line 9: delete lines 9 to 19.

3 2. Page 17, line 20: delete "or (bb)".

4 3. Page 18, line 8: delete "or (bb)".

5 4. Page 20, line 12: delete "election" and substitute "election, an office to be
6 filled at that election, or a political party".

7 5. Page 20, line 17: delete the material beginning with that line and ending
8 with page 21, line 2, and substitute:

9 "SECTION 10. 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109,
10 is repealed."

11 6. Page 21, line 4: delete lines 4 and 5 and substitute:

1 “SECTION 12. 11.01 (12w), (13) and (14) of the statutes, as created by 2001
2 Wisconsin Act 109, are repealed.”.

3 **7.** Page 21, line 6: delete the material beginning with that line and ending with
4 page 22, line 2, and substitute:

5 “SECTION 16m. 11.01 (16) (a) 3. of the statutes, as created by 2001 Wisconsin
6 Act 109, is repealed and recreated to read:

7 11.01 **(16)** (a) 3. A communication that is made by means of one or more
8 communications media, other than a communication that is exempt from reporting
9 under s. 11.29, that is made during the period beginning on the 60th day preceding
10 an election and ending on the date of that election and that includes a reference to
11 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
12 the ballot at that election, a reference to an office to be filled at that election, or a
13 reference to a political party.”.

14 **8.** Page 22, line 3: delete lines 3 to 9.

15 **9.** Page 24, line 9: after that line insert:

16 “SECTION 25m. 11.05 (3) (s) of the statutes is created to read:

17 11.05 (3) (s) In the case of a registrant that has made a communication
18 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
19 11.06 (1) with respect to any obligation to make a disbursement incurred or any
20 disbursement made for the purpose of making such a communication prior to
21 registration.”.

22 **10.** Page 27, line 16: after “purposes,” insert “and”.

23 **11.** Page 27, line 17: delete the material beginning with “and” and ending with
24 “11.065,” on line 18.

