

1983 Assembly Bill 40

Date of enactment: **October 26, 1983**  
Date of publication: **November 2, 1983**

## 1983 Wisconsin Act 51

AN ACT to amend 11.31 (2) and (3m), 11.50 (1) (a), 11.50 (2) (a), (b) 2, 4 and 5, (c), (f), (h) and (i), 11.50 (4) (title), 11.50 (4) (a), 11.50 (4) (c), 11.50 (4) (d), 11.50 (5) and (11) (a) and 14.58 (20); and to create 7.08 (2) (cm), 11.50 (1) (a) 2 and 11.50 (4) (cm) of the statutes, relating to authorization of grants from the Wisconsin election campaign fund to finance special elections.

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

SECTION 1. 7.08 (2) (cm) of the statutes is created to read:

7.08 (2) (cm) As soon as possible after the canvass of a special primary, or the date that the primary would be held, if required, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive a grant from the Wisconsin election campaign fund prior to the election. The board shall also transmit a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive a grant under s. 11.50 (1) (a) 2 after the special election. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.

SECTION 2. 11.31 (2) and (3m) of the statutes are amended to read:

11.31 (2) **LIMITATION IMPOSED.** Except as authorized in s. 11.50 (2) (i), no candidate for state office at a spring or general election who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund and who receives and accepts any such grant may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the amounts ~~specified in sub-~~ prescribed under subs. (1) and (9). Except as authorized in s. 11.50 (2) (i), no candidate for state office at a special election who files a sworn statement and application to receive a

grant from the Wisconsin election campaign fund and who receives and accepts any such grant may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the amounts prescribed under subs. (1) and (9) for the preceding spring or general election for the same office. The limitations upon authorized disbursements prescribed under ~~sub.~~ subs. (1) and (9) apply equally to all candidates for the same office, regardless of whether a candidate is opposed at a primary or election.

(3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and (2), if all candidates for an office who are certified under s. 7.08 (2) (a) to appear on the September primary ballot of all parties recognized under s. 5.62 (1) (b) or (2) have no opponent who is certified to appear on the same primary ballot, or if no primary is required for all candidates of parties recognized under s. 5.62 (1) (b) or (2) for an office who are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then the separate limitation specified in sub. (1) for disbursements during the primary and election period does not apply to candidates for that office in that primary and election, and the candidates are bound only by the total limitations specified for the primary and election.

SECTION 3. 11.50 (1) (a) of the statutes is amended to read:

11.50 (1) (a) "Eligible candidate" means:

1. With respect to a spring or general election, any individual who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state superintendent, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office for which the individual is a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a candidate for state office in the general election, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at the spring or general election; and who has qualified for a grant under sub. (2).

SECTION 4. 11.50 (1) (a) 2 of the statutes is created to read:

11.50 (1) (a) 2. With respect to a special election, an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state office on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6% of the vote cast for all candidates on all ballots for the office, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at a special election, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for a state office at a partisan special election; and who qualifies for a grant under sub. (2). Where the boundaries of a district in which an individual seeks office have been changed since the preceding general election such that it is not possible to calculate the exact percentage of the vote that is needed by that individual to qualify as an eligible candidate prior to an election under this subdivision, the number of votes cast for all candidates for the office at the preceding general election in each ward, combination of wards or municipality which is wholly contained within the boundaries of the newly formed district shall be calculated. If the candidate of the political party on whose ballot or column the individual appears in the newly formed district obtained at least 6% of the number of votes calculated, the individual is deemed to qualify as an eligible candidate prior to the election under this subdivision.

SECTION 5. 11.50 (2) (a), (b) 2, 4 and 5, (c), (f), (h) and (i) of the statutes are amended to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2), 8.15 (1) ~~or~~, 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m. on the 7th

day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 and the disbursement limitations prescribed in s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with such limitations at all times to which such limitations apply to his or her candidacy for the office in contest, except as authorized in par. (i).

(b) 2. The candidate is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear upon the spring or general election or a special election ballot;

4. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that his or her statement filed with the application under par. (a) is true; and

5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that the candidate has received at least the ~~percentage of the amount of his or her total authorized disbursement limitation under s. 11.31~~ which is provided in this subdivision, from contributions of individuals, other than loans, which have been received during the period ending on the date of the spring primary and July 1 preceding such date in the case of candidates at the spring election, or the date of the September primary and January 1 preceding such date in the case of ~~partisan~~ candidates at the general election, or the date of a special election and 90 days preceding such date in the case of special election candidates, which contributions are in the aggregate amount of \$100 or less, and which are fully identified and itemized as to the exact source thereof. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For ~~candidates~~ a candidate at the spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at a special election, the required ~~percentage amount to qualify for a grant~~ is 5% of the candidate's authorized disbursement limitation under s. 11.31. For any other candidates candidate at the general election, the required ~~percentage amount to qualify for a grant~~ is 10% of the candidate's authorized disbursement limitation under s. 11.31.

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

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

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

(i) Notwithstanding par. (g), if an eligible candidate who accepts a grant is opposed by a candidate in the spring or general election or a special election, and in the case of a candidate ~~for a partisan office at the September primary or a special partisan primary,~~ the eligible candidate's opponent received at least 6% of the vote cast for all candidates for the same office on all ballots at the ~~September~~ primary, and the eligible candidate's opponent does not receive or accept a grant under this section in whole or in part, the eligible candidate is not bound by the pledge made in his or her application to adhere to the contribution ~~limitation~~ limitations prescribed in s. 11.26 ~~(10)~~ and the disbursement limitation prescribed under s. 11.31.

SECTION 6. 11.50 (4) (title) of the statutes is amended to read:

11.50 (4) (title) PARTISAN AND SPECIAL ELECTION CANDIDATES.

SECTION 7. 11.50 (4) (a) of the statutes is amended to read:

11.50 (4) (a) In the partisan campaign account, 25% of the moneys shall be apportioned into an executive campaign account and 75% of the moneys shall be apportioned into a legislative and special election campaign account.

SECTION 8. 11.50 (4) (c) of the statutes is amended to read:

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

SECTION 9. 11.50 (4) (cm) of the statutes is created to read:

11.50 (4) (cm) Each eligible candidate for the same office at a special election shall receive an equal amount, which amount shall be equivalent to the maximum grant which was payable to any candidate for that office at the most recent spring or general election. The amount shall be drawn from the senate campaign account and the assembly campaign account in the same proportions as the balance in each account bears to the total balance in both accounts at the time that payments are made. Whenever there are insufficient moneys in the senate campaign account and the assembly campaign account to make the payments required by this paragraph, payments shall be appropriately reduced or discontinued by the board.

SECTION 10. 11.50 (4) (d) of the statutes is amended to read:

11.50 (4) (d) Within the ~~account~~ accounts established under ~~pars. (b) and (e)~~ this subsection for each office at each general election, the entire amount of all available moneys shall be apportioned equally to all eligible candidates.

SECTION 11. 11.50 (5) and (11) (a) of the statutes are amended to read:

11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the disbursements to the campaign depository of each eligible candidate under subs. (3) and (4) by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.

(11) (a) No grant may be utilized in any primary ~~or special election.~~

SECTION 12. 14.58 (20) of the statutes is amended to read:

14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible to receive moneys from the Wisconsin election campaign fund.

SECTION 14. **Initial applicability.** This act first applies to financing of special elections for which the last day for filing nomination papers under s. 8.50 (3) (a) of the statutes is not earlier than the 3rd day commencing after the effective date of this act.

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