



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1995 ASSEMBLY BILL 37**

February 16, 1995 – Offered by Representative WALKER.
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1 **AN ACT to repeal** 11.26 (9) (c); **to renumber and amend** 11.50 (9); **to amend**
2 11.06 (1) (a), 11.12 (6), 11.19 (1), 11.26 (9) (a), 11.26 (9) (b), 11.26 (13) and 25.42;
3 **and to create** 11.05 (3) (m), 11.05 (3) (q), 11.095, 11.26 (8m), 11.26 (9) (am), 11.30
4 (6), 11.31 (3n), 11.385, 11.60 (3m) and 11.60 (3n) of the statutes; **relating to:**
5 various changes in the campaign finance law and providing a penalty.

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

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

7 11.05 (3) (m) In the case of a personal campaign committee, the name of the
8 candidate on whose behalf the committee was formed or intends to operate and the
9 office or offices that the candidate seeks.

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

11 11.05 (3) (q) In the case of a committee which does not maintain a street address
12 within this state, a report providing the information required under s. 11.06 (1) for
13 the 2-year period ending with the month in which the committee registers, except

1 that the committee need not report any disbursement made or obligation incurred
2 to make a disbursement outside this state.

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

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

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

11 **11.095 Regulation of certain telephoning activities.** (1) In this section,
12 “telephone bank operator” means any person who, for remuneration, places or
13 directs the placement of telephone calls to individuals.

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

1 contact with more than one potential voter during which the question is asked or the
2 statement is made. The report shall include the name and address of the individual,
3 committee or group who or which retained the telephone bank operator or who or
4 which requested or suggested that the contacts be made; the name and address of the
5 telephone bank operator, if any; the name and date of the election with respect to
6 which the telephoning is conducted; and if the telephoning is not conducted on a
7 statewide basis, the name of each jurisdiction or district within which the
8 telephoning is conducted. The report shall be certified in the manner provided in s.
9 11.06 (5). No person is required to file a report required under this section containing
10 any information that has been previously filed by that person or another person.

11 **SECTION 5.** 11.12 (6) of the statutes is amended to read:

12 11.12 (6) If any disbursement of more than \$20 \$250 cumulatively is made or
13 obligation to make a disbursement of more than \$250 cumulatively is incurred to
14 advocate the election or defeat of a clearly identified candidate by an individual or
15 committee later than 15 21 days prior to a primary or election in which the
16 candidate's name appears on the ballot without cooperation or consultation with a
17 candidate or agent or authorized committee of a candidate who is supported or whose
18 opponent is opposed, and not in concert with or at the request or suggestion of such
19 a candidate, agent or committee, the individual or treasurer of the committee ~~shall,~~
20 ~~within 24 hours of making the disbursement, inform~~ or incurring the obligation shall
21 report to the appropriate filing officer ~~of~~ the information required under s. 11.06 (1)
22 in the form prescribed by the board, in such manner ~~as the board may prescribe that~~
23 the report or a reasonable facsimile is received by the filing officer no later than 24
24 hours after the disbursement is made or the obligation is incurred. The information
25 shall also be included in the next regular report of the individual or committee under

1 s. 11.20. For purposes of this subsection, disbursements and obligations cumulate
2 beginning with the day after the last date covered on the preprimary or preelection
3 report and ending with the day before the primary or election. Upon receipt of a
4 report by the board under this subsection, the board shall immediately attempt, by
5 direct means of communication, such as by telephone or facsimile transmission, to
6 inform all candidates for any office in support of or in opposition to one of whom a
7 disbursement or obligation identified in the report is made or incurred of the content
8 of the report. Upon receipt of a report under this subsection, the board and every
9 other filing officer shall, within 24 hours of receipt, mail a copy of the report to all
10 candidates for any office in support of or opposition to one of whom a disbursement
11 or incurred obligation identified in the report is made or incurred.

12 **SECTION 6.** 11.19 (1) of the statutes is amended to read:

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

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

3 **SECTION 7.** 11.26 (8m) of the statutes is created to read:

4 11.26 (8m) (a) No committee, other than a personal campaign committee,
5 support committee under s. 11.18, political party committee or legislative campaign
6 committee, may make any contribution or contributions, directly or indirectly, to
7 another committee, other than a personal campaign committee, support committee
8 under s. 11.18, political party committee or legislative campaign committee.

9 (b) Paragraph (a) does not apply to any contribution or contributions made by
10 a committee to another committee with which it is affiliated not exceeding a total of
11 \$5,000 in a biennium, exclusive of any contribution or contributions to which par. (c)
12 applies.

13 (c) Paragraph (a) does not apply to any contribution or contributions made in
14 any biennium by a committee which does not maintain an address within this state,
15 to the extent that the committee receives any contribution or contributions in a
16 corresponding amount from a committee which maintains an address in this state
17 in the same biennium if both the committee that makes the contribution or
18 contributions and the committee that receives the contribution or contributions are
19 affiliated.

20 (d) No committee, other than a personal campaign committee, support
21 committee under s. 11.18, political party committee or legislative campaign
22 committee, may receive and accept more than 33% of the value of the total
23 contributions it receives and accepts during a biennium from all committees, other
24 than personal campaign committees, support committees under s. 11.18, political

1 party committees or legislative campaign committees, that are subject to a filing
2 requirement, exclusive of any contributions received from affiliated committees.

3 (e) For purposes of this subsection, any committee established by a corporation,
4 joint stock company, professional association or labor organization is considered to
5 be affiliated with any other committee established by the same corporation,
6 company, association or organization including any parent, subsidiary, branch,
7 division, department or local unit thereof.

8 (f) In this subsection, a biennium commences with January 1 of each
9 odd-numbered year and ends with December 31 of the following even-numbered
10 year.

11 **SECTION 8.** 11.26 (9) (a) of the statutes is amended to read:

12 11.26 (9) (a) No Except as authorized in par. (am), no individual who is a
13 candidate for state or local office may receive and accept more than 65% of the value
14 of the total disbursement level, as determined under s. 11.31 (1), for the office for
15 which he or she is a candidate during any primary and election campaign combined
16 from all committees that are subject to a filing requirement, including political party
17 and legislative campaign committees.

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

19 11.26 (9) (am) If any incurred obligation or disbursement of more than \$250
20 cumulatively is incurred or made by an individual or committee to advocate the
21 election or defeat of a clearly identified candidate whose name appears on the ballot
22 at an election and the incurred obligation or disbursement is incurred or made
23 without cooperation or consultation with any candidate who is supported or whose
24 opponent is opposed or such a candidate's agent or authorized committee, and not in
25 concert with, or at the request or suggestion of, any such candidate, agent or

1 authorized committee, then each candidate whose name appears on the same ballot
2 and who is opposed or whose opponent is supported by that advocacy may receive and
3 accept from a political party or legislative campaign committee contributions in
4 addition to the value prescribed in par. (a) but not to exceed, in total, the value
5 prescribed in par. (a) plus the total value of incurred obligations and disbursements
6 that are reported to the appropriate filing officer under s. 11.12 (6). For the purposes
7 of this paragraph, obligations and disbursements cumulate as provided in s. 11.12
8 (6).

9 **SECTION 10.** 11.26 (9) (b) of the statutes is amended to read:

10 11.26 (9) (b) No individual who is a candidate for state or local office may receive
11 and accept more than ~~45%~~ 33% of the value of the total disbursement level, as
12 determined under s. 11.31 (1), for the office for which he or she is a candidate during
13 any primary and election campaign combined from all committees other than
14 political party and legislative campaign committees that are subject to a filing
15 requirement.

16 **SECTION 11.** 11.26 (9) (c) of the statutes is repealed.

17 **SECTION 12.** 11.26 (13) of the statutes is amended to read:

18 11.26 (13) ~~Except as provided in sub. (9), contributions~~ Contributions received
19 from the Wisconsin election campaign fund are not subject to limitation by this
20 section.

21 **SECTION 13.** 11.30 (6) of the statutes is created to read:

22 11.30 (6) Every individual, committee or group who or which is subject to a
23 registration requirement under s. 11.05 and who or which publishes, distributes or
24 broadcasts, or causes to be published, distributed or broadcast, any communication
25 which advocates the election or defeat of a clearly identified candidate without

1 cooperation or consultation with a candidate or agent or authorized committee of a
2 candidate who is supported or whose opponent is opposed, and not in concert with
3 or at the request or suggestion of such a candidate, agent or committee shall file with
4 the board, in writing, a copy of the text of the communication, together with the name
5 of the person who is publishing, distributing or broadcasting the communication or
6 causing it to be published, distributed or broadcast and that person's address, in such
7 manner that the text is received by the board within 24 hours of the time that the
8 communication is first published, distributed or broadcast. The report shall be
9 certified in the manner prescribed in s. 11.06 (5). No person is required to file the text
10 of a communication with the board under this subsection that has been previously
11 filed by that person or another person.

12 **SECTION 14.** 11.31 (3n) of the statutes is created to read:

13 11.31 **(3n)** INDEPENDENT DISBURSEMENTS; EXCEPTION. Notwithstanding subs. (1)
14 and (2), if any incurred obligation or disbursement of more than \$250 cumulatively
15 is incurred or made by an individual or committee to advocate the election or defeat
16 of a clearly identified candidate whose name appears on the ballot at an election and
17 the incurred obligation or disbursement is incurred or made without cooperation or
18 consultation with any candidate who is supported or whose opponent is opposed or
19 such a candidate's agent or authorized committee, and not in concert with, or at the
20 request or suggestion of, any such candidate, agent or authorized committee, then
21 each candidate whose name appears on the same ballot and who is opposed or whose
22 opponent is supported by that advocacy may make or authorize total disbursements
23 from the campaign treasury in excess of the amount prescribed in sub. (1) but not to
24 exceed, in total, the amount prescribed in sub. (1) plus the total amount of incurred
25 obligations and disbursements that are reported to the appropriate filing officer

1 under s. 11.12 (6). For the purposes of this subsection, obligations and
2 disbursements cumulate as provided in s. 11.12 (6).

3 **SECTION 15.** 11.385 of the statutes is created to read:

4 **11.385 Certain deductions for political purposes prohibited. (1)** In this
5 section:

6 (a) "Employe organization" means any association consisting of 2 or more
7 employes of one or more employers.

8 (b) "Employer" includes the state and every local governmental unit as defined
9 in s. 16.97 (7).

10 **(2)** No employer may deduct any amount from the wages or allowances or
11 reimbursements for expenses payable to an employe for the purpose of making or
12 transferring a contribution to any individual, committee or group, without a written
13 authorization, signed by the employe and effective for a period of not more than one
14 year, which specifically authorizes the deduction for the purpose of making or
15 transferring such a contribution.

16 **(3)** No employer or employe organization may make or transfer a contribution
17 to any individual, committee or group unless the deduction is made in compliance
18 with sub. (2).

19 **(4)** Every employer who makes a deduction and every employer and employe
20 organization to which a deduction is payable for the purpose of making or
21 transferring a contribution specified in sub. (3) shall provide to the employe who
22 authorizes the deduction to be made an opportunity to terminate the deduction prior
23 to the end of its effective period upon written notice to the employer making the
24 deduction, or to the employer or employe organization for which the deduction is
25 made. A termination of an authorization under this subsection is effective at such

1 time as may be agreed between the employe and the employe's employer or the
2 employer or employe organization for which the deduction is made, but in no case
3 later than the number of days after notice of termination is filed equal to the interval
4 between regular payments to the employe from which the deduction is taken.

5 (5) No person may solicit or obtain an authorization for a deduction from the
6 wages or allowances or reimbursements for expenses payable to an employe for the
7 purpose of making or transferring a contribution to any individual, committee or
8 group by means of coercion, physical force, employment discrimination or financial
9 reprisals, or by threat of any such action, or as a condition of employment.

10 **SECTION 16.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
11 to read:

12 11.50 (9) (a) The total grant available to an eligible candidate may not exceed
13 that amount which, when added to all other contributions accepted from sources
14 other than individuals, political party committees and legislative campaign
15 committees, is equal to 45% of the disbursement level specified for the applicable
16 office, as determined under s. 11.31 (1).

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

21 **SECTION 17.** 11.60 (3m) of the statutes is created to read:

22 11.60 (3m) Notwithstanding sub. (1), if a committee which or individual who
23 is required to file an oath under s. 11.06 (7) files a report under this chapter that
24 overstates or understates the total amount of disbursements made or obligations
25 incurred by the individual or committee in support of or in opposition to any

1 candidate in a campaign, as defined in s. 11.26 (17), by more than \$1,000, the
2 individual or committee shall forfeit the amount overstated or understated in excess
3 of \$1,000.

4 **SECTION 18.** 11.60 (3n) of the statutes is created to read:

5 11.60 (3n) Notwithstanding sub. (1), whoever violates s. 11.31 (2) by making
6 disbursements that exceed the limitation imposed under s. 11.31 (2) by \$5,000 or
7 more shall forfeit not less than \$5,000 nor more than \$10,000.

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

9 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
10 s. 20.855 (4) (b) together with all moneys deposited under s. 11.19 (1), all moneys
11 reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received
12 under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended
13 for the purposes of s. 11.50. All moneys in the fund not disbursed by the state
14 treasurer shall continue to accumulate indefinitely.

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

17 (1) The treatment of section 11.06 (1) (a) of the statutes takes effect on January
18 1, 1996.

19 (2) The treatment of section 11.385 of the statutes takes effect on the first day
20 of the 2nd month commencing after publication.

21 (END)