



State of Wisconsin
1997 - 1998 LEGISLATURE

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**SENATE AMENDMENT 12,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 7**

November 4, 1997 – Offered by Senators CLAUSING, C. POTTER, RISSER, BURKE and WINEKE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 13: delete the material beginning with “designations” and
3 ending with “returns” on page 14 and substitute “public financing of elections for
4 certain state offices,”.

5 **2.** Page 2, line 18: delete the material beginning with “public” and ending with
6 “committees,” on line 21.

7 **3.** Page 3, line 12: after that line insert:

8 “SECTION 1m. 5.02 (18) of the statutes is amended to read:

9 5.02 (18) “September primary” means the primary held the 2nd Tuesday in
10 September to nominate candidates to be voted for at the general election, ~~and to~~
11 ~~determine which candidates for state offices other than district attorney may~~
12 ~~participate in the Wisconsin election campaign fund.”.~~

1 **4.** Page 4, line 9: delete the material beginning with that line and ending with
2 page 6, line 13, and substitute:

3 “**SECTION 4b.** 5.62 (1) (a) of the statutes is amended to read:

4 5.62 (1) (a) At September primaries, the following ballot shall be provided for
5 the nomination of candidates of recognized political parties for national, state and
6 county offices ~~and independent candidates for state office~~ in each ward, in the same
7 form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up
8 of the several party tickets with each party entitled to participate in the primary
9 under par. (b) or sub. (2) having its own ballot. ~~The independent candidates for state~~
10 ~~office other than district attorney shall have a separate ballot for all such candidates~~
11 ~~as under s. 5.64 (1) (e).~~ The ballots shall be secured together at the bottom. The party
12 ballot of the party receiving the most votes for president or governor at the last
13 general election shall be on top with the other parties arranged in descending order
14 based on their vote for president or governor at the last general election. The ballots
15 of parties qualifying under sub. (2) shall be placed after the parties qualifying under
16 par. (b), in the same order in which the parties filed petitions with the board. ~~The~~
17 ~~ballot listing the independent candidates shall be placed at the bottom.~~ At polling
18 places where voting machines are used, each party ~~and the independent candidates~~
19 shall be represented in one or more separate columns or rows on the ballot. At polling
20 places where an electronic voting system is used other than an electronic voting
21 machine, each party ~~and the independent candidates~~ may be represented in separate
22 columns or rows on the ballot.

23 **SECTION 4c.** 5.62 (3) of the statutes is amended to read:

1 5.62 (3) The board shall designate the official primary ballot arrangement for
2 statewide offices and district attorney within each prosecutorial district by using the
3 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate
4 column or row on the ballot, the candidates for office shall be listed together with the
5 offices which they seek in the following order whenever these offices appear on the
6 September primary ballot: governor, lieutenant governor, attorney general,
7 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
8 state senator, representative to the assembly, district attorney and the county offices.
9 ~~Below the names of the independent candidates shall appear the party or principle~~
10 ~~of the candidates, if any, in 5 words or less, as shown on their nomination papers.~~

11 **SECTION 4d.** 5.62 (5) of the statutes is amended to read:

12 5.62 (5) At the September primary, an elector may vote for the candidates of
13 only one party, ~~or the elector may vote for any of the independent candidates for state~~
14 ~~office listed;~~ but the elector may not vote for more than one candidate for a single
15 office. A space shall be provided on the ballot for an elector to write in the name of
16 his or her choice as a party candidate for any office, ~~but no space shall be provided~~
17 ~~to write in the names of independent candidates.~~

18 **SECTION 4e.** 7.08 (2) (c) and (cm) of the statutes are repealed.

19 **SECTION 4f.** 7.70 (3) (e) 1. of the statutes is repealed.

20 **SECTION 4g.** 8.10 (3) (intro.) of the statutes is amended to read:

21 8.10 (3) (intro.) The affidavit of a qualified elector under s. 8.15 (4) (a) shall be
22 appended to each nomination paper. The Except as otherwise required under s. 11.51
23 for a candidate who accepts a grant from the clean elections fund, the number of
24 required signatures on nomination papers filed under this section is:

25 **SECTION 4h.** 8.15 (6) (intro.) of the statutes is amended to read:

1 8.15 (6) (intro.) The Except as otherwise required under s. 11.51 for a
2 candidate who accepts a grant from the clean elections fund, the number of required
3 signatures on nomination papers shall be as follows:

4 **SECTION 4i.** 8.16 (1) of the statutes is amended to read:

5 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
6 number of votes for an office on a party ballot at any partisan primary, regardless of
7 whether the person's name appears on the ballot, shall be the party's candidate for
8 the office, and the person's name shall so appear on the official ballot at the next
9 election. ~~All independent candidates shall appear on the general election ballot~~
10 ~~regardless of the number of votes received by such candidates at the September~~
11 ~~primary.~~

12 **SECTION 4j.** 8.16 (5) of the statutes is repealed.

13 **SECTION 4k.** 8.20 (4) of the statutes is amended to read:

14 8.20 (4) The Except as otherwise required under s. 11.51 for a candidate who
15 accepts a grant from the clean elections fund, the number of required signatures on
16 nomination papers for independent candidates shall be the same as the number
17 specified in s. 8.15 (6). For independent presidential electors intending to vote for
18 the same candidates for president and vice president, the number of required
19 signatures shall be not less than 2,000 nor more than 4,000 electors.”.

20 **5.** Page 6, line 17: delete “party,” and substitute “party or”.

21 **6.** Page 6, line 18: delete the underscored material beginning with “or” and
22 ending with “fund” on line 19.

23 **7.** Page 6, line 25: delete the underscored material beginning with “or” and
24 ending with “fund” on page 7, line 1.

1 **8.** Page 7, line 3: delete lines 3 to 13 and substitute:

2 “**SECTION 7b.** 8.35 (4) (b) of the statutes is amended to read:

3 8.35 **(4)** (b) Notwithstanding par. (a), any unspent and unencumbered moneys
4 received by a candidate from the ~~Wisconsin election campaign~~ clean elections fund
5 shall be immediately transferred to any candidate who is appointed to replace such
6 candidate, ~~upon filing of a proper application therefor under s. 11.50 (2).~~ If there is
7 no candidate appointed or if no proper application is filed within 7 days of the date
8 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
9 11.50 (8).

10 **SECTION 8b.** 10.02 (3) (b) 2m. of the statutes is amended to read:

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

20 **SECTION 8c.** 10.06 (1) (e) of the statutes is amended to read:

21 10.06 **(1)** (e) As soon as possible following the state canvass of the spring
22 primary vote, but no later than the first Tuesday in March, the board shall send a
23 type B notice certifying to each county clerk the list of candidates for the spring
24 election. When no primary is held, this notice shall be sent under par. (c). ~~The board~~

1 shall also in any case send a certified list of candidates under s. 11.50 to the state
2 treasurer pursuant to s. 7.08 (2) (e). When there is a referendum, the board shall send
3 type A and C notices certifying each question to the county clerks as soon as possible,
4 but no later than the first Tuesday in March.

5 **SECTION 8d.** 10.06 (1) (i) of the statutes is amended to read:

6 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
7 4th Tuesday in September, the board shall send a type B notice certifying the list of
8 candidates and type A and C notices certifying each question for any referendum to
9 each county clerk for the general election and a certified list of candidates under s.
10 11.50 to the state treasurer pursuant to s. 7.08 (2) (e).”.

11 **9.** Page 9, line 4: delete “An” and substitute “An Except as required under s.
12 11.51 (2), an”.

13 **10.** Page 9, line 10: delete lines 10 to 14 and substitute:

14 “**SECTION 17b.** 11.06 (1) (g) of the statutes is amended to read:

15 11.06 (1) (g) An Except as required under s. 11.51 (8), an itemized statement
16 of every disbursement exceeding \$20 in amount or value, together with the name and
17 address of the person to whom the disbursement was made, and the date and specific
18 purpose for which the disbursement was made.”.

19 **11.** Page 11, line 4: delete lines 4 to 10.

20 **12.** Page 14, line 13: delete lines 13 to 18.

21 **13.** Page 16, line 3: delete lines 3 to 11.

22 **14.** Page 17, line 13: delete the underscored material beginning with
23 “transferred” and ending with “fund,” on line 14.

1 **15.** Page 20, line 24: delete the material beginning with that line and ending
2 with page 21, line 7, and substitute:

3 “**SECTION 41ag.** 11.21 (15) of the statutes is repealed.”.

4 **16.** Page 21, line 22: delete the material beginning with that line and ending
5 with page 22, line 2.

6 **17.** Page 24, line 4: delete the underscored material beginning with “A” and
7 ending with “contributions.” on line 10.

8 **18.** Page 24, line 18: delete the material beginning with “**SECTION**” on that line
9 and ending with “2.” on line 23 and substitute:

10 “**SECTION 53ag.** 11.26 (9) (c) of the statutes is repealed and recreated to read:

11 11.26 (9) (c)”.

12 **19.** Page 24, line 24: after that line insert:

13 “**SECTION 53b.** 11.26 (10) and (13) of the statutes are repealed.”.

14 **20.** Page 25, line 3: after that line insert:

15 “**SECTION 54b.** 11.26 (17) (a) of the statutes is amended to read:

16 11.26 (17) (a) For purposes of application of the limitations imposed in subs.
17 (1), (2), and (9) ~~and (10)~~, the “campaign” of a candidate begins and ends at the times
18 specified in this subsection.”.

19 **21.** Page 25, line 20: after that line insert:

20 “**SECTION 56t.** 11.31 (title) of the statutes is amended to read:

21 **11.31** (title) **Disbursement levels and limitations; calculation.**

22 **SECTION 56v.** 11.31 (1) (intro.) of the statutes is amended to read:

1 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are
2 established with reference to the candidates listed below. ~~Except as provided in sub-~~
3 ~~(2), such~~ Such levels do not operate to restrict the total amount of disbursements
4 which are made or authorized to be made by any candidate in any primary or other
5 election.”.

6 **22.** Page 26, line 13: delete the material beginning with that line and ending
7 with page 27, line 11, and substitute:

8 “**SECTION 61d.** 11.31 (2) and (2m) of the statutes are repealed.”.

9 **23.** Page 27, line 20: delete the material beginning with that line and ending
10 with page 28, line 2, and substitute:

11 “**SECTION 64b.** 11.31 (3) of the statutes is repealed.”.

12 **24.** Page 28, line 5: delete “(1), (1m) and (2)” and substitute “(1) and (1m)”.

13 **25.** Page 28, line 12: after “then” insert “the disbursement level of”.

14 **26.** Page 28, line 14: delete the material beginning with “may” and ending
15 with “plus” on line 16 and substitute “is increased by”.

16 **27.** Page 28, line 22: delete “limitations” and substitute “limitations levels”.

17 **28.** Page 29, line 12: delete lines 12 to 16 and substitute:

18 “**SECTION 67b.** 11.31 (7) (b) of the statutes is amended to read:

19 11.31 (7) (b) Disbursements which are made before a campaign period for goods
20 to be delivered or services to be rendered in connection with the campaign are
21 charged against the disbursement limitation level for that campaign.”.

22 **29.** Page 29, line 20: delete “limitation” and substitute “limitation level”.

23 **30.** Page 29, line 21: before that line insert:

1 **“SECTION 69b.** 11.31 (8) of the statutes is amended to read:

2 11.31 (8) CERTAIN CONTRIBUTIONS EXCLUDED. The ~~limitations imposed~~ levels
3 specified under this section do not apply to a gift of anything of value constituting
4 a contribution made directly to a registrant by another, but the ~~limitations~~ levels
5 shall apply to such gift when it is received and accepted by the recipient or, if received
6 in the form of money, when disbursed.”.

7 **31.** Page 30, line 1: on lines 1 and 7, delete “limitations” and substitute
8 “levels”.

9 **32.** Page 30, line 13: delete the material beginning with that line and ending
10 with page 43, line 2, and substitute:

11 **“SECTION 70b.** 11.31 (10) of the statutes is amended to read:

12 11.31 (10) SURPLUS MATERIALS EXCLUDED. Disbursements constituting surplus
13 materials acquired in connection with a previous campaign of a candidate are not
14 subject to ~~limitation by~~ included in the levels specified in this section, if the materials
15 were previously reported as a disbursement by that candidate.

16 **SECTION 71b.** 11.50 of the statutes is repealed.

17 **SECTION 97b.** 11.51 of the statutes is created to read:

18 **11.51 Clean elections fund grants. (1)** Any candidate for a state office other
19 than district attorney may qualify to receive a grant from the clean elections fund by
20 fulfilling the requirements of this section.

21 **(2)** In order to qualify to receive a grant from the clean elections fund, a
22 candidate for one of the following offices shall obtain and deposit with the state
23 treasurer the following specified number of contributions, in the amount of \$5 each,

1 to the clean elections fund, each of which shall be received from an individual who
2 is identified in a report filed with the board as provided in s. 11.06 (1) (a):

3 (a) Representative to the assembly, 300.

4 (b) Senator, 600.

5 (c) Governor, 13,500.

6 (d) Lieutenant governor, 4,500.

7 (e) Secretary of state, 4,500.

8 (f) State treasurer, 4,500.

9 (g) Attorney general, 11,250.

10 (h) Superintendent of public instruction, 6,750.

11 (i) Circuit court judge, 250.

12 (j) Court of appeals judge, 500.

13 (k) Justice, 4,500.

14 **(3)** Except as provided in sub. (5), in order to qualify to receive a grant from the
15 clean elections fund, a candidate for one of the following offices shall file with the
16 board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1) or 8.20 (8) (a), at least
17 the following number of valid signatures upon nomination papers for the office which
18 the candidate seeks:

19 (a) Representative to the assembly, 600.

20 (b) Senator, 1,200.

21 (c) Governor, 27,000.

22 (d) Lieutenant Governor, 9,000.

23 (e) Secretary of state, 9,000.

24 (f) State treasurer, 9,000.

25 (g) Attorney general, 22,500.

1 (h) Superintendent of public instruction, 13,500.

2 (i) Circuit court judge, 500.

3 (j) Court of appeals judge, 1,000.

4 (k) Justice, 9,000.

5 **(4)** Except as provided in sub. (5), in addition to the requirement of sub. (3), a
6 candidate for the office of governor, lieutenant governor, secretary of state, state
7 treasurer, attorney general, superintendent of public instruction or justice shall file
8 the signatures under sub. (3) of electors of each congressional district in this state
9 equal to at least 5% of the total signatures required under sub. (3).

10 **(5)** The requirements of subs. (3) and (4) do not apply to independent
11 candidates for the office of lieutenant governor.

12 **(6)** A candidate who qualifies for a grant from the clean elections fund may
13 accept a contribution from an individual in the amount of \$25 or less, but the total
14 of such contributions accepted by a candidate for one of the following offices during
15 the candidate's campaign, as defined in s. 11.26 (17), may not exceed, in the
16 aggregate, the following amount:

17 (a) Representative to the assembly, \$2,500.

18 (b) Senator, \$5,000.

19 (c) Governor, lieutenant governor, secretary of state, state treasurer, attorney
20 general, superintendent of public instruction or justice, \$25,000.

21 (d) Circuit court judge, \$2,500.

22 (e) Court of appeals judge, \$5,000.

23 **(6m)** In order to qualify to receive a grant from the clean elections fund, a
24 candidate shall file an application with the board, no later than a time specified by
25 the board by rule, in which the candidate shall affirm that he or she has not accepted

1 and shall agree not to accept a contribution from any source other than a contribution
2 required under sub. (2), a contribution authorized under sub. (3) and the candidate's
3 grant from the clean elections fund during the campaign of the candidate, as defined
4 in s. 11.31 (7).

5 (7) (a) The board shall distribute primary election grants from the clean
6 elections fund to each candidate who qualifies to receive a grant under this section
7 as soon as possible preceding the date that the primary election is held for the office
8 which the candidate seeks, or the date on which the primary election would be held
9 if a primary election were required to be held.

10 (b) The board shall distribute grants for the general or spring election from the
11 clean elections fund to each candidate who qualifies to receive a grant under this
12 section as soon as possible after the date of the primary election for the office which
13 the candidate seeks, or the date on which the primary election would be held if a
14 primary election were required to be held, except that, in the case of a candidate for
15 a nonpartisan office or a candidate of a recognized political party for a partisan office,
16 the board shall distribute a grant to a candidate for an office for which a primary
17 election was held only if the candidate was nominated at that election.

18 (8) A candidate who receives a grant from the clean elections fund shall file
19 with the board reports of all disbursements made in the manner provided under s.
20 11.06 (1) (g), without regard to the amounts thereof.

21 (9) Except as provided in sub. (11), a candidate who qualifies to receive a grant
22 from the clean elections fund under this sections shall receive a grant in the following
23 amount for the election specified, less the aggregate amount of contributions
24 accepted by the candidate under sub. (6):

	Office	Primary Election	General or Spring Election
1			
2			
3	(a) Representative to the assembly	\$ 18,000	\$ 36,000
4	(b) Senator	36,000	72,000
5	(c) Governor	500,000	1,000,000
6	(d) Lieutenant governor	200,000	75,000
7	(e) Secretary of state	75,000	200,000
8	(f) State treasurer	75,000	200,000
9	(g) Attorney general	400,000	600,000
10	(h) Superintendent of public instruction	150,000	300,000
11	(i) Circuit court judge	25,000	See sub. (10)
12	(j) Court of appeals judge	50,000	75,000
13	(k) Justice	100,000	300,000

14 **(10)** The board shall, by rule, prescribe the amount of the grant from the clean
15 elections fund for a qualifying candidate for the office of circuit court judge at the
16 spring election. The amount shall be not less than \$25,000 nor greater than \$50,000
17 and shall relate to the population of the circuit in which the candidate seeks office,
18 as determined by the board in accordance with the most recent federal decennial
19 census of population.

20 **(11)** If a candidate who receives a grant from the clean elections fund is opposed
21 on a primary or election ballot by another candidate who does not receive a grant or
22 by another candidate who the board determines has violated his or her agreement
23 under sub. (6m), the candidate who receives a grant shall receive an additional grant
24 in the amount by which the disbursements made by the other candidate exceed the
25 amount of the grant payable under sub. (9), but not to exceed 2.5 times that amount.

1 **(12)** If a candidate who makes an agreement under sub. (6m) does not adhere
2 to the agreement, the candidate shall forfeit an amount equivalent to any grant from
3 the clean elections fund that is provided to the candidate and the candidate may be
4 fined not more than 3 times the amount of any contributions received by the
5 candidate in his or her campaign, as defined in s. 11.26 (17), exclusive of the amount
6 of any grant or any contributions deposited under sub. (2) or received under sub. (6).

7 **(13)** No later than December 1 of each even-numbered year, a candidate who
8 received a grant from the clean elections fund in that year or the preceding year shall
9 return to the state treasurer the amount of any grant remaining in the candidate's
10 campaign depository account, except that a candidate for an office specified in par.
11 (a), (b) or (c) may retain not more than the following specified percentage of the grant
12 that he or she received:

13 (a) Representative to the assembly, 5%.

14 (b) Senator, 3%.

15 (c) Any other office, 1%.

16 **(14)** The board may promulgate rules required to implement this section.”.

17 **33.** Page 47, line 14: after that line insert:

18 “**SECTION 111b.** 14.58 (20) of the statutes is repealed.”.

19 **34.** Page 48, line 15: delete lines 15 to 21 and substitute:

20 “**SECTION 116b.** 20.510 (1) (d) of the statutes is created to read:

21 20.510 (1) (d) *Clean elections fund transfer.* A sum sufficient to make the
22 payments to candidates required under s. 11.51, to be transferred to the clean
23 elections fund.”.

24 **35.** Page 49, line 1: delete lines 1 to 6 and substitute:

