



State of Wisconsin
2001 - 2002 LEGISLATURE

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**SENATE AMENDMENT 4,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 104**

January 29, 2002 – Offered by Senator RISSER.

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

2 **1.** Page 2, line 23: delete the material beginning with that line and ending with
3 page 5, line 15, and substitute:

4 **“SECTION 1b.** 5.02 (18) of the statutes is amended to read:

5 5.02 (18) “September primary” means the primary held the 2nd Tuesday in
6 September to nominate candidates to be voted for at the general election, and to
7 determine which candidates for ~~state offices other than district attorney~~ the offices
8 of governor, state senator, and representative to the assembly may participate in the
9 Wisconsin election campaign receive grants from the clean elections fund.

10 **SECTION 1c.** 5.62 (1) (a) of the statutes is amended to read:

11 5.62 (1) (a) At September primaries, the following ballot shall be provided for
12 the nomination of candidates of recognized political parties for national, state and

1 county offices and independent candidates for ~~state office~~ the office of governor, state
2 senator, and representative to the assembly in each ward, in the same form as
3 prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The
4 ballots shall be made up of the several party tickets with each party entitled to
5 participate in the primary under par. (b) or sub. (2) having its own ballot, except as
6 authorized in s. 5.655. The independent candidates for ~~state office other than district~~
7 attorney the offices of governor, state senator, and representative to the assembly
8 shall have a separate ballot for all such candidates as under s. 5.64 (1) (e), except as
9 authorized in s. 5.655. The ballots shall be secured together at the bottom. The party
10 ballot of the party receiving the most votes for president or governor at the last
11 general election shall be on top with the other parties arranged in descending order
12 based on their vote for president or governor at the last general election. The ballots
13 of parties qualifying under sub. (2) shall be placed after the parties qualifying under
14 par. (b), in the same order in which the parties filed petitions with the board. Any
15 ballot required under par. (b) 2. shall be placed next in order. The ballot listing the
16 independent candidates shall be placed at the bottom. At polling places where voting
17 machines are used, each party and the independent candidates shall be represented
18 in one or more separate columns or rows on the ballot. At polling places where an
19 electronic voting system is used other than an electronic voting machine, each party
20 and the independent candidates may be represented in separate columns or rows on
21 the ballot.

22 **SECTION 1d.** 5.62 (3) of the statutes is amended to read:

23 5.62 (3) The board shall designate the official primary ballot arrangement for
24 statewide offices and district attorney within each prosecutorial district by using the
25 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate

1 column or row on the ballot, the candidates for office shall be listed together with the
2 offices which they seek in the following order whenever these offices appear on the
3 September primary ballot: governor, lieutenant governor, attorney general,
4 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
5 state senator, representative to the assembly, district attorney and the county offices.
6 Below the names of the independent candidates for the offices of governor, state
7 senator, and representative to the assembly shall appear the party or principle of the
8 candidates, if any, in 5 words or less, as shown on their nomination papers.

9 **SECTION 1e.** 5.62 (5) of the statutes is amended to read:

10 5.62 (5) At the September primary, an elector may vote for the candidates of
11 only one party, or the elector may vote for any of the independent candidates for state
12 office the offices of governor, state senator, or representative to the assembly listed;
13 but the elector may not vote for more than one candidate for a single office. A space
14 shall be provided on the ballot for an elector to write in the name of his or her choice
15 as a party candidate for any office, including a party candidate of a recognized
16 political party whose name appears on the ballot, column or row designated for
17 independent candidates, as provided in sub. (1) (b) 2. or (2) (b), but no space shall be
18 provided to write in the names of independent candidates.

19 **SECTION 1f.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

20 7.08 (2) (c) As soon as possible after the canvass of the ~~spring and~~ September
21 primary ~~votes~~ vote, but no later than the first Tuesday in March and the 4th Tuesday
22 in September, transmit to the state treasurer a certified list of all eligible candidates
23 for state office who have filed applications under s. ~~11.50 (2)~~ 11.51 (7) and whom the
24 board determines to be eligible to receive ~~payments~~ grants from the Wisconsin
25 ~~election campaign~~ clean elections fund. The list shall contain each candidate's name,

1 the mailing address indicated upon the candidate's registration form, the office for
2 which the individual is a candidate and the party or principle which he or she
3 represents, if any.

4 (cm) As soon as possible after the canvass of a special primary, or the date that
5 the primary would be held, if required, transmit to the state treasurer a certified list
6 of all eligible candidates for state office who have filed applications under s. ~~11.50 (2)~~
7 11.51 (7) and whom the board determines to be eligible to receive a grant from the
8 ~~Wisconsin election campaign~~ clean elections fund prior to the election. ~~The board~~
9 ~~shall also transmit a similar list of candidates, if any, who have filed applications~~
10 ~~under s. 11.50 (2) and whom the board determines to be eligible to receive a grant~~
11 ~~under s. 11.50 (1) (a) 2. after the special election.~~ The list shall contain each
12 candidate's name, the mailing address indicated upon the candidate's registration
13 form, the office for which the individual is a candidate and the party or principle
14 which he or she represents, if any.

15 **SECTION 1g.** 7.70 (3) (e) 1. of the statutes is amended to read:

16 7.70 (3) (e) 1. After each September primary and special primary for the office
17 of governor, state senator, or representative to the assembly, the name of each
18 candidate not defeated in the primary who receives at least 6% of the total vote cast
19 for all candidates on all ballots at the primary for ~~each separate state office except~~
20 ~~district attorney~~ the office of governor, state senator, or representative to the
21 assembly, and the percentage of the total vote received by that candidate. Such
22 percentage shall be calculated within each district in the case of legislative
23 candidates.

24 **SECTION 1h.** 8.16 (1) of the statutes is amended to read:

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

8 **SECTION 1i.** 8.16 (5) of the statutes is amended to read:

9 8.16 (5) Any candidate for ~~a partisan state~~ the office ~~except district attorney~~
10 of governor, state senator, or representative to the assembly may also qualify for
11 ~~payments~~ a grant under s. ~~11.50~~ 11.51 if the candidate meets the requirements
12 specified in s. ~~11.50~~ 11.51; however, a candidate who qualifies under this section for
13 placement on the official ballot at the general election or a special election shall
14 appear on such ballot regardless of whether he or she qualifies for ~~payments~~ a grant
15 under s. ~~11.50~~ 11.51.”

16 **2.** Page 5, line 24: delete the material beginning with that line and ending with
17 page 6, line 14, and substitute:

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

19 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
20 received by a candidate from the ~~Wisconsin election campaign~~ clean elections fund
21 shall be immediately transferred to any candidate who is appointed to replace such
22 candidate, ~~upon filing of a proper application therefor under s. 11.50 (2).~~ If there is
23 no candidate appointed ~~or if no proper application is filed within 7 days of the date~~

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

3 **3.** Page 7, line 7: delete the material beginning with that line and ending with
4 page 8, line 8, and substitute:

5 **“SECTION 11b.** 8.50 (1) (d) of the statutes is amended to read:

6 8.50 (1) (d) When the election concerns a national or state office, the board shall
7 transmit to each county clerk at least 22 days before the special primary a certified
8 list of all persons for whom nomination papers have been filed in its office. If no
9 primary is required, the list shall be transmitted at least 42 days prior to the day of
10 the election. If a special primary for the office of state senator or representative to
11 the assembly is held, the board shall send a certified list of candidates who are
12 eligible to receive grants under s. 11.51 to the state treasurer pursuant to s. 7.08 (2)
13 (cm). Immediately upon receipt of the certified list of candidates from the board, the
14 county clerk shall prepare his or her ballots. For a county special election, the county
15 clerk shall certify the candidates and prepare the ballots. If there is a primary, the
16 county clerk shall publish one type B notice in a newspaper under ch. 10. When a
17 primary is held, as soon as possible after the primary, the county clerk shall certify
18 the candidates and prepare the ballots for the following special election. The clerk
19 shall publish one type B notice in a newspaper under ch. 10 for the election.

20 **SECTION 11c.** 8.50 (3) (b) of the statutes is amended to read:

21 8.50 (3) (b) Except as otherwise provided in this section, the provisions for
22 September primaries under s. 8.15 are applicable to all partisan primaries held
23 under this section, and the provisions for spring primaries under s. 8.10 are
24 applicable to all nonpartisan primaries held under this section. In a special partisan

1 primary or election, the order of the parties on the ballot shall be the same as
2 provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for ~~state office~~ the
3 office of governor, state senator, or representative to the assembly at a special
4 partisan election shall ~~not~~ appear on the primary ballot. No primary is required for
5 a nonpartisan election in which not more than 2 candidates for an office appear on
6 the ballot or for a partisan election in which not more than one candidate for an office
7 appears on the ballot of each recognized political party. In every special election
8 except a special election for nonpartisan state office where no candidate is certified
9 to appear on the ballot, a space for write-in votes shall be provided on the ballot,
10 regardless of whether a special primary is held.

11 **SECTION 11d.** 10.02 (3) (b) 2m. of the statutes is amended to read:

12 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
13 ballot of his or her choice or the ballot containing the names of the independent
14 candidates for ~~state office~~, the office of governor, state senator, and representative
15 to the assembly, and make a cross (8) next to or depress the lever or button next to
16 the candidate's name for each office for whom the elector intends to vote or insert or
17 write in the name of the elector's choice for a party candidate, if any. In order to
18 qualify for ~~participation in the Wisconsin election campaign~~ a grant from the clean
19 elections fund, a candidate for ~~state office~~ the office of governor, state senator, or
20 representative to the assembly at the September primary, ~~other than a candidate for~~
21 ~~district attorney~~, or a special primary, if a special primary is held, must receive at
22 least ~~6%~~ 5% of all votes cast on all ballots for the office for which he or she is a
23 candidate, in addition to other requirements.

24 **SECTION 11e.** 10.06 (1) (e) of the statutes is amended to read:

1 10.06 (1) (e) As soon as possible following the state canvass of the spring
2 primary vote, but no later than the first Tuesday in March, the board shall send a
3 type B notice certifying to each county clerk the list of candidates for the spring
4 election. When no primary is held, this notice shall be sent under par. (c). The board
5 shall also in any case send a certified list of candidates under s. ~~11.50~~ 11.51 to the
6 state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board
7 shall send type A and C notices certifying each question to the county clerks as soon
8 as possible, but no later than the first Tuesday in March.

9 **SECTION 11f.** 10.06 (1) (i) of the statutes is amended to read:

10 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
11 4th Tuesday in September, the board shall send a type B notice certifying the list of
12 candidates and type A and C notices certifying each question for any referendum to
13 each county clerk for the general election and a certified list of candidates under s.
14 ~~11.50~~ 11.51 to the state treasurer pursuant to s. 7.08 (2) (c).

15 **SECTION 11g.** 11.01 (4m) and (11m) of the statutes are created to read:

16 11.01 (4m) “Communication” means a message transmitted by means of a
17 printed advertisement, billboard, handbill, sample ballot, radio or television
18 advertisement, telephone call, or any medium that may be utilized for the purpose
19 of disseminating or broadcasting a message, but not including a poll conducted solely
20 for the purpose of identifying or collecting data concerning the attitudes or
21 preferences of electors.

22 (11m) “Independent expenditure” means an expenditure made for the purpose
23 of making a communication that is made during the 60-day period preceding any
24 September or special primary election for the office of governor, state senator,
25 representative to the assembly and the date of the general or special election

1 following that primary election, or if no special primary election for the office of state
2 senator or representative to the assembly is held, during the 60-day period
3 preceding a special election for one of those offices; that contains a reference to a
4 clearly identified candidate for the office of governor, state senator, or representative
5 to the assembly at that election; that is made without cooperation or consultation
6 with such a candidate, or any authorized committee or agent of such a candidate; and
7 that is not made in concert with, or at the request or suggestion of, such a candidate,
8 or any authorized committee or agent of such a candidate.”.

9 **4.** Page 12, line 23: delete the material beginning with that line and ending
10 with page 13, line 2, and substitute:

11 **“SECTION 29b.** 11.06 (1) (a) of the statutes is amended to read:

12 11.06 (1) (a) ~~An~~ Except as required under s. 11.51 (2), an itemized statement
13 giving the date, full name and street address of each contributor who has made a
14 contribution in excess of \$20, or whose contribution if \$20 or less aggregates more
15 than \$20 for the calendar year, together with the amount of the contribution and the
16 cumulative total contributions made by that contributor for the calendar year.

17 **SECTION 29c.** 11.06 (1) (g) of the statutes is amended to read:

18 11.06 (1) (g) ~~An~~ Except as required under s. 11.51 (9), an itemized statement
19 of every disbursement exceeding \$20 in amount or value, together with the name and
20 address of the person to whom the disbursement was made, and the date and specific
21 purpose for which the disbursement was made.

22 **SECTION 29d.** 11.06 (1) (jm) of the statutes is amended to read:

23 11.06 (1) (jm) A copy of any separate schedule prepared or received pursuant
24 to an escrow agreement under s. 11.16 (5). ~~—A candidate or personal campaign~~

1 ~~committee receiving contributions under such an agreement and attaching a~~
2 ~~separate schedule under this paragraph may indicate the percentage of the total~~
3 ~~contributions received, disbursements made and exclusions claimed under s. 11.31~~
4 ~~(6) without itemization, except that amounts received from any contributor pursuant~~
5 ~~to the agreement who makes any separate contribution to the candidate or personal~~
6 ~~campaign committee during the calendar year of receipt as indicated in the schedule~~
7 ~~shall be aggregated and itemized if required under par. (a) or (b).”.~~

8 **5.** Page 16, line 23: delete the material beginning with that line and ending
9 with page 18, line 14.

10 **6.** Page 19, line 1: delete lines 1 to 7.

11 **7.** Page 20, line 13: delete lines 13 to 18.

12 **8.** Page 22, line 18: delete the material beginning with “A” and ending with
13 “under this paragraph.” on line 20 and substitute “This paragraph does not apply to
14 any disbursement that is required to be reported as an independent expenditure
15 under par. (b).”.

16 **9.** Page 22, line 22: delete the material beginning with that line and ending
17 with page 24, line 18, and substitute:

18 “**SECTION 47b.** 11.12 (6) (b) of the statutes is created to read:

19 11.12 (6) (b) 1. If any person makes an independent expenditure or incurs an
20 obligation to make an independent expenditure, the person shall, within 24 hours
21 of making the independent expenditure or incurring the obligation to make the
22 independent expenditure, report to the board the information required under this
23 paragraph in such manner as the board may prescribe.

24 2. Each report under this paragraph shall contain the following information:

1 a. The name of each candidate who is identified in each communication
2 financed with the independent expenditure or obligation.

3 b. A statement as to whether the communication is intended to support or
4 oppose that candidate.

5 c. The total amount or value of the independent expenditure or obligation and
6 the cumulative independent expenditures made and obligations to make
7 independent expenditures incurred by the person with respect to that election.

8 3. If the person is a registrant, the person shall also include the information
9 reported under subd. 2. in the next regular report of the person under s. 11.20. Upon
10 receipt of a report under this paragraph, the board shall, within 24 hours of receipt,
11 mail a copy of the report to all candidates for any office in support of or opposition
12 to one of whom an independent expenditure or obligation identified in the report is
13 made.”.

14 **10.** Page 25, line 7: delete the material beginning with that line and ending
15 with page 26, line 6, and substitute:

16 “**SECTION 51b.** 11.16 (5) of the statutes is amended to read:

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

1 connection with the effort or program shall be received and disbursed through a
2 separate depository account under s. 11.14 (1) that is identified in the agreement.
3 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
4 prepare a schedule in the form prescribed by the board supplying all required
5 information under s. 11.06 (1) ~~and items qualifying for exclusion under s. 11.31 (6)~~
6 for the effort or program, and shall transmit a copy of the schedule to each candidate
7 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).”.

8 **11.** Page 26, line 18: delete the material beginning with “transferred” and
9 ending with “fund” on line 19.

10 **12.** Page 29, line 1: delete lines 1 to 7 and substitute:

11 “**SECTION 60b.** 11.21 (15) of the statutes is repealed.”.

12 **13.** Page 31, line 20: delete the material beginning with that line and ending
13 with page 32, line 17.

14 **14.** Page 35, line 11: delete the material beginning with that line and ending
15 with page 36, line 2, and substitute:

16 “**SECTION 77b.** 11.26 (10) of the statutes is repealed.”.

17 **15.** Page 36, line 6: after that line insert:

18 “**SECTION 78m.** 11.26 (13) of the statutes is amended to read:

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

22 **SECTION 78s.** 11.26 (17) (a) of the statutes is amended to read:

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

4 **16.** Page 36, line 8: delete lines 8 to 11.

5 **17.** Page 36, line 12: delete lines 12 to 17 and substitute:

6 “**SECTION 81g.** 11.31 (title) of the statutes is amended to read:

7 **11.31** (title) **Disbursement levels and limitations; calculation.**

8 **SECTION 81r.** 11.31 (1) (intro.) of the statutes is amended to read:

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

14 **18.** Page 37, line 15: delete the material beginning with that line and ending
15 “with page 38, line 18, and substitute:

16 “**SECTION 86b.** 11.31 (2) and (2m) of the statutes are repealed.

17 **SECTION 86c.** 11.31 (3) of the statutes is repealed.

18 **SECTION 86d.** 11.31 (3m) of the statutes is repealed.

19 **SECTION 86e.** 11.31 (4) of the statutes is amended to read:

20 11.31 (4) ALLOCATION. ~~Except as provided in sub. (3m), whenever~~ Whenever a
21 separate disbursement level is specified for a primary and election under sub. (1), a
22 candidate who disburses less than the authorized level in the primary may not
23 reallocate the balance to increase the level in the election. Whenever a separate
24 disbursement level is not specified for a primary and election under sub. (1), a

1 candidate may allocate disbursements between the primary and election campaign
2 within the total level of disbursements specified in sub. (1) in any proportion desired,
3 and may carry over unexpended contributions from a primary campaign to an
4 election campaign.

5 **SECTION 86f.** 11.31 (6) of the statutes is repealed.

6 **SECTION 86g.** 11.31 (7) (b) of the statutes is amended to read:

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

10 **SECTION 86h.** 11.31 (7) (c) of the statutes is amended to read:

11 11.31 (7) (c) Disbursements which are made after a campaign to retire a debt
12 incurred in relation to a campaign are charged against the disbursement limitation
13 level for that campaign.

14 **SECTION 86i.** 11.31 (8) of the statutes is amended to read:

15 11.31 (8) CERTAIN CONTRIBUTIONS EXCLUDED. The limitations imposed levels
16 specified under this section do not apply to a gift of anything of value constituting
17 a contribution made directly to a registrant by another, but the limitations levels
18 shall apply to such gift when it is received and accepted by the recipient or, if received
19 in the form of money, when disbursed.”.

20 **19.** Page 39, line 11: after that line insert:

21 “**SECTION 90b.** 11.31 (10) of the statutes is amended to read:

22 11.31 (10) SURPLUS MATERIALS EXCLUDED. Disbursements constituting surplus
23 materials acquired in connection with a previous campaign of a candidate are not

1 ~~subject to limitation by~~ included in the levels specified in this section, if the materials
2 were previously reported as a disbursement by that candidate.”

3 **20.** Page 40, line 4: delete lines 4 to 9.

4 **21.** Page 40, line 23: delete the material beginning with line and ending with
5 page 51, line 18, and substitute:

6 “**SECTION 94b.** 11.50 of the statutes is repealed.

7 **SECTION 94c.** 11.51 of the statutes is created to read:

8 **11.51 Clean elections fund grants. (1)** Any candidate for the office of
9 governor, state senator, or representative to the assembly may qualify to receive a
10 grant from the clean elections fund by fulfilling the requirements of this section.

11 **(2) (a)** In order to qualify to receive a grant from the clean elections fund, a
12 candidate shall obtain and deposit with the state treasurer the number of qualifying
13 contributions specified in this subsection, in the amount of \$5 each, each of which
14 shall be received from an elector of this state and, in the case of a candidate for
15 legislative office, an elector of the district in which the candidate seeks office. The
16 name and address of each elector making a qualifying contribution shall be identified
17 in a report filed with the board as provided in s. 11.06 (1) (a). The number of required
18 qualifying contributions for a candidate for each office is:

19 1. Governor, 2,500.

20 2. State senator, 150.

21 3. Representative to the assembly, 50.

22 **(b)** In addition to the requirements imposed under par. (a), a candidate does not
23 qualify to receive a grant for a general or special election unless the candidate

1 receives at least 5% of the total vote cast for all candidates on all ballots for the same
2 office at the September primary, or at a special primary if a special primary is held.

3 (3) Prior to notification that a candidate has qualified to receive a grant from
4 the clean elections fund under sub. (7), a candidate may accept seed money
5 contributions from individuals. The total seed money contributions accepted by a
6 candidate from one contributor, including any seed money contributions made by a
7 candidate to his or her own campaign, may not exceed \$100. The total seed money
8 contributions accepted by a candidate during the candidate's campaign, as defined
9 in s. 11.26 (17), may not exceed, in the aggregate, the following amount for the office
10 sought by candidate:

11 (a) Governor, \$50,000.

12 (b) State senator, \$1,500.

13 (c) Representative to the assembly, \$500.

14 (4) A contributor who makes a qualifying contribution may also make a seed
15 money contribution in the full amount authorized under sub. (3).

16 (5) A candidate shall remit to the state treasurer all seed money contributions
17 received by the candidate that are unencumbered on the day the candidate receives
18 notification of qualification for a grant under sub. (7). The state treasurer shall
19 deposit all seed money contributions received under this subsection in the clean
20 elections fund.

21 (6) No candidate who accepts a grant from the clean elections fund may accept
22 any seed money contribution under sub. (3) after receiving notification of
23 qualification for a grant under sub. (7).

24 (7) In order to qualify to receive a grant from the clean elections fund, a
25 candidate shall file an application with the board, no later than a time specified by

1 the board by rule, in which the candidate shall affirm that he or she has not accepted
2 and agrees not to accept a contribution from any source other than a contribution
3 required under sub. (2), a contribution authorized under sub. (3), and the candidate's
4 grant from the clean elections fund during the campaign of the candidate, as defined
5 in s. 11.31 (7). If the candidate desires to receive grant payments by electronic
6 transfer, the candidate shall include in his or her application sufficient information
7 and authorization for the state treasurer to transfer payments to his or her campaign
8 depository account. The board shall notify each candidate who qualifies to receive
9 a grant from the clean elections fund as promptly as possible following qualification.

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

15 (b) The board shall distribute grants for the general or for a special election
16 from the clean elections fund to each candidate who qualifies to receive a grant under
17 this section as soon as possible after the date of the primary election for the office
18 sought by the candidate, or the date on which the primary election would be held if
19 a primary election were required to be held, except that, in the case of a candidate
20 of a recognized political party for a partisan office, the board shall distribute a grant
21 to a candidate for an office for which a primary election was held only if the candidate
22 was nominated at that election.

23 **(9)** A candidate who receives a grant from the clean elections fund shall file
24 with the board reports of all disbursements made in the manner provided under s.
25 11.06 (1) (g), without regard to the amounts thereof.

(10) (a) Except as provided in par. (b) and subs. (11) to (13), a candidate who qualifies to receive a grant from the clean elections fund under this section shall receive a grant in the following amount for the office sought by the candidate and for the election specified, less the aggregate amount of contributions accepted by the candidate under sub. (3):

Office	Primary Election	General or Special Election
1. Governor	\$500,000	\$1,000,000
2. State senator	36,000	72,000
3. Representative to the assembly	18,000	36,000

(b) If a candidate does not have an opponent who has qualified to have his or her name appear on the ballot at the election for which a grant is to be applied, the candidate shall receive a grant for a primary election equal to the average total disbursements made per candidate in primary election campaign periods, as determined by the board from reports filed by or on behalf of those candidates in accordance with s. 11.31 (5), for the office that the candidate seeks during the 4-year period preceding the date of the primary election, or a grant for a general or special election equal to the average total disbursements made per candidate in general and special election campaign periods, as determined by the board from reports filed by or on behalf of those candidates in accordance with s. 11.31 (5), for the office that the candidate seeks during the 4-year period preceding the date of the general or special election, except that a candidate for the office of governor shall receive a grant of \$100,000 for a primary election and a grant of \$200,000 for a general or special election.

1 **(11)** (a) In this subsection, “consumer price index” means the average of the
2 consumer price index over each 12-month period, all items, U.S. city average, as
3 determined by the bureau of labor statistics of the U.S. department of labor.

4 (b) The dollar amounts of the grants specified in sub. (10) (a) and the grants
5 specified for the office of governor in sub. (10) (b) shall be subject to a cost-of-living
6 adjustment to be determined by rule of the board in accordance with this paragraph.
7 To determine the adjustment, the board shall calculate the percentage difference
8 between the consumer price index for the 12-month period ending on December 31
9 of each odd-numbered year and the consumer price index for calendar year 2003.
10 For each biennium, the board shall adjust the grant amounts specified in sub. (10)
11 by that percentage to the extent required to reflect any difference, rounded to the
12 nearest multiple of \$25 in the case of amounts of \$1 or more, which amounts shall
13 be in effect until a subsequent rule is promulgated under this subsection.
14 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this
15 paragraph may be promulgated as an emergency rule under s. 227.24 without
16 providing evidence that the emergency rule is necessary for the public peace, health,
17 safety, or welfare, and without a finding of emergency.

18 **(12)** If any independent expenditure is made or any obligation to make an
19 independent expenditure is incurred by any person in opposition to a candidate who
20 receives a grant from the clean elections fund or in support of an opponent of such
21 a candidate whose name is certified to appear on the same ballot, then the candidate
22 who receives a grant shall receive an additional grant in the total amount of the
23 obligations incurred and the independent expenditures made that were not
24 previously reported as obligations, as reported to the appropriate filing officer under
25 s. 11.12 (6) (b), but not to exceed, in combination with any additional grant payable

1 to that candidate under sub. (13), 2.5 times the amount payable to the candidate
2 under sub. (10), as adjusted under sub. (11).

3 **(13)** If a candidate who receives a grant from the clean elections fund is opposed
4 on a primary or election ballot by another candidate who does not receive a grant or
5 by another candidate who the board determines has violated his or her agreement
6 under sub. (7), the candidate who receives a grant shall receive an additional grant
7 in the amount by which the disbursements made by the other candidate exceed the
8 amount of the grant payable for the office sought by the candidate in that election
9 under sub. (10), as adjusted under sub. (11), but not to exceed, in combination with
10 any additional grant payable to that candidate under sub. (12), 2.5 times the amount
11 payable to the candidate under sub. (10), as adjusted under sub. (11). If a candidate
12 who receives a grant from the clean elections fund is opposed on a primary or election
13 ballot by more than one candidate who does not receive a grant or who the board
14 determines has violated his or her agreement under sub. (7), the amount of the grant
15 payable under this subsection is the largest amount that would be payable by reason
16 of any candidate's opposition.

17 **(14)** If a candidate who makes an agreement under sub. (7) does not adhere to
18 the agreement, the candidate shall forfeit an amount equivalent to any grant from
19 the clean elections fund that is provided to the candidate and the candidate may be
20 fined not more than 3 times the amount of any contributions received by the
21 candidate in his or her campaign, as defined in s. 11.26 (17), exclusive of the amount
22 of any grant or any contributions deposited under sub. (2) or received under sub. (3).

23 **(15)** No later than December 1 of each even-numbered year, a candidate who
24 received a grant from the clean elections fund in that year or the preceding year shall

1 return to the state treasurer the amount of any grant remaining in the candidate's
2 campaign depository account.

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

4 **22.** Page 52, line 16: delete lines 16 to 22.

5 **23.** Page 53, line 3: after that line insert:

6 “**SECTION 124b.** 14.58 (20) of the statutes is amended to read:

7 14.58 (20) ~~ELECTION CAMPAIGN~~ CLEAN ELECTIONS FUND. Make disbursements to
8 each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible
9 to receive moneys a grant from the ~~Wisconsin election campaign~~ clean elections
10 fund.”.

11 **24.** Page 53, line 4: delete the material beginning with that line and ending
12 with page 55, line 2, and substitute:

13 “**SECTION 125b.** 20.510 (1) (q) of the statutes is repealed and recreated to read:

14 20.510 (1) (q) *Clean elections fund grants.* From the clean elections fund, a sum
15 sufficient to make the grants to candidates required under s. 11.51.

16 **SECTION 125c.** 20.855 (4) (b) of the statutes is repealed.

17 **SECTION 125d.** 20.855 (4) (ba) of the statutes is created to read:

18 20.855 (4) (ba) *Clean elections fund supplement.* A sum sufficient equal to the
19 amounts required to make the grants to candidates required under s. 11.51, to be
20 transferred to the clean elections fund.

21 **SECTION 125e.** 25.17 (1) (aw) of the statutes is created to read:

22 25.17 (1) (aw) Clean elections fund (s. 25.42);

23 **SECTION 125f.** 25.17 (1) (ys) of the statutes is repealed.

24 **SECTION 125g.** 25.42 of the statutes is repealed and recreated to read:

1 **25.42 Clean elections fund.** All moneys deposited with the state treasurer
2 under s. 11.51 (2) and (5) or returned to the state treasurer under s. 11.51 (15) and
3 all moneys transferred to the clean elections fund under s. 20.855 (4) (ba) constitute
4 the clean elections fund.

5 **SECTION 125h.** 71.10 (3) of the statutes is repealed.”.

6 **25.** Page 56, line 4: delete “(2) and (3)” and substitute “(3) and (4)”.

7 **26.** Page 56, line 6: delete lines 6 to 10.

8 **27.** Page 56, line 12: after that line insert:

9 “(4) The treatment of section 11.51 (11) of the statutes first applies to
10 adjustments for the biennium beginning on January 1, 2004.”.

11 **(END)**