



State of Wisconsin  
2001 - 2002 LEGISLATURE

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

July 26, 2001 - Offered by COMMITTEE ON JUDICIARY, CONSUMER AFFAIRS, AND  
CAMPAIGN FINANCE REFORM.

1     **AN ACT to repeal** 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (2m), 11.50  
2           (2) (h), 11.50 (2) (i) and 11.50 (3); **to renumber** 11.05 (2r) (title), 11.24 (2), 11.50  
3           (1) (a) 1. and 11.50 (1) (a) 2.; **to renumber and amend** 11.05 (1), 11.05 (2), 11.05  
4           (2r), 11.12 (6) and 11.50 (9); **to amend** 5.02 (13), 5.05 (1) (e), 7.08 (2) (c) and (cm),  
5           8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35  
6           (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.),  
7           11.06 (1) (e), 11.06 (2), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.06  
8           (11) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5),  
9           11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9),  
10          11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1),  
11          11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8),  
12          11.26 (9) (a) and (b), 11.26 (10), 11.26 (12m), 11.27 (1), 11.31 (1) (intro.), 11.31  
13          (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6),

1 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g), 11.50 (5),  
2 11.50 (6), 11.50 (9) (title), 11.50 (11) (a), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a),  
3 12.05, 20.510 (1) (q), 25.42, 71.10 (3) (a) and 71.10 (3) (b); **to repeal and**  
4 **recreate** 11.05 (9) (title) and 11.50 (4); and **to create** 7.08 (2) (cs), 11.001 (2m),  
5 11.01 (4m) and (11m), 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06  
6 (2m) (b) to (d), 11.065, 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.24  
7 (1w), 11.24 (4), 11.26 (2) (ad) to (au), 11.26 (8m), 11.31 (1) (de), 11.31 (1m), 11.31  
8 (3p), 11.31 (9), 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1)  
9 (bm) and (cm), 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50  
10 (9) (b), (ba) and (bb), 11.50 (14), 13.625 (3m), 20.855 (4) (ba) and 806.04 (11m)  
11 of the statutes; **relating to:** campaign financing, lobbying regulation,  
12 designations for the Wisconsin election campaign fund by individuals filing  
13 state income tax returns, staffing of the elections board, providing exemptions  
14 from emergency rule procedures, granting rule-making authority, and making  
15 appropriations.

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

16 **SECTION 1.** 5.02 (13) of the statutes is amended to read:

17 5.02 (13) "Political party" or "party" means a state committee registered under  
18 s. 11.05 and organized exclusively for political purposes under whose name  
19 candidates appear on a ballot at any election, and all county, congressional,  
20 legislative, local and other affiliated committees authorized to operate under the  
21 same name. For purposes of ch. 11, the term does not include a legislative campaign  
22 committee or a committee filing an oath under s. 11.06 (7).

23 **SECTION 2.** 5.05 (1) (e) of the statutes is amended to read:

1           5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena  
2 under par. (b), apply for a search warrant under par. (b), commence an action under  
3 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.  
4 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),  
5 exempt a municipality from the requirement to use voting machines or an electronic  
6 voting system under s. 5.40 (5m), approve an electronic data recording system for  
7 maintaining poll lists under s. 6.79, ~~or~~ authorize nonappointment of an individual  
8 who is nominated to serve as an election official under s. 7.30 (4) (e), or make a  
9 determination concerning the nature of an independent expenditure under s. 11.065  
10 (3), subject to such limitations as the board deems appropriate.

11           **SECTION 3.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

12           7.08 (2) (c) As soon as possible after the canvass of the spring and September  
13 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in  
14 September, transmit to the state treasurer a certified list of all eligible candidates  
15 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board  
16 determines ~~to be~~ are eligible to receive payments from the Wisconsin election  
17 campaign fund. The board shall also electronically transmit a similar list of  
18 candidates who the board determines are eligible to receive a grant under s. 11.50  
19 (9) (b), (ba), or (bb) within 24 hours after any candidate qualifies to receive such a  
20 grant. Each list shall contain each candidate's name, the mailing address indicated  
21 upon the candidate's registration form, the office for which the individual is a  
22 candidate and the party or principle which he or she represents, if any.

23           (cm) As soon as possible after the canvass of a special primary, or the date that  
24 the primary would be held, if required, transmit to the state treasurer a certified list  
25 of all eligible candidates for state office who have filed applications under s. 11.50 (2)

1 and ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant from the  
2 Wisconsin election campaign fund prior to the election. The board shall also transmit  
3 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and  
4 ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant under s. 11.50  
5 (1) (a) 2. after the special election. The board shall electronically transmit a similar  
6 list of candidates who the board determines are eligible to receive a grant under s.  
7 11.50 (9) (b), (ba), or (bb) within 24 hours after any candidate qualifies to receive such  
8 a grant. Each list shall contain each candidate's name, the mailing address indicated  
9 upon the candidate's registration form, the office for which the individual is a  
10 candidate and the party or principle which he or she represents, if any.

11 **SECTION 4.** 7.08 (2) (cs) of the statutes is created to read:

12 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the  
13 period beginning with the month following certification and ending with the month  
14 in which the next certification is made by the board:

15 1. No later than July 1, the name of each political party that qualifies under  
16 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose  
17 state chairperson has filed a request to establish an account for the party under s.  
18 11.50 (2s) (a).

19 2. No later than December 15, the name of each political party that qualifies  
20 under s. 11.50 (1) (am) 2. as an eligible political party as of the date of the preceding  
21 general election and whose state chairperson has filed a written request to establish  
22 an account for the party under s. 11.50 (2s) (a).

23 **SECTION 5.** 8.10 (3) (intro.) of the statutes is amended to read:

24 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall  
25 be appended to each nomination paper. The Except as otherwise required under s.

1 11.50 (4m) for a candidate who seeks a grant from the Wisconsin election campaign  
2 fund, the number of required signatures on nomination papers filed under this  
3 section is:

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

5 8.15 (6) (intro.) The Except as otherwise required under s. 11.50 (4m) for a  
6 candidate who seeks a grant from the Wisconsin election campaign fund, the number  
7 of required signatures on nomination papers shall be as follows:

8 **SECTION 7.** 8.20 (4) of the statutes is amended to read:

9 8.20 (4) The Except as otherwise required under s. 11.50 (4m) for a candidate  
10 who seeks a grant from the Wisconsin election campaign fund, the number of  
11 required signatures on nomination papers for independent candidates shall be the  
12 same as the number specified in s. 8.15 (6). For independent presidential electors  
13 intending to vote for the same candidates for president and vice president, the  
14 number of required signatures shall be not less than 2,000 nor more than 4,000  
15 electors.

16 **SECTION 8.** 8.30 (2) of the statutes is amended to read:

17 8.30 (2) If no registration statement has been filed by or on behalf of a candidate  
18 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable  
19 deadline for filing nomination papers by ~~such~~ the candidate, or the deadline for filing  
20 a declaration of candidacy for an office for which nomination papers are not filed, the  
21 name of the candidate may not appear on the ballot. This subsection may not be  
22 construed to exempt a candidate from applicable penalties if he or she files a  
23 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

24 **SECTION 9.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

1           8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~  
2 if If the former candidate was a partisan candidate ~~or, donated to the former~~  
3 candidate's local or state political party, donated to the a charitable organization of  
4 ~~the former candidate's choice or the charitable organization chosen or transferred to~~  
5 the board for deposit in the Wisconsin election campaign fund, as instructed by the  
6 former candidate or, if the candidate left no instruction, by the former candidate's  
7 next of kin ~~if the former candidate is deceased, or if no choice is made~~ returned to the  
8 donors ~~on a proportional basis~~; or

9           b. If the former candidate was a nonpartisan candidate, donated to the a  
10 charitable organization ~~of the former candidate's choice or the charitable~~  
11 organization chosen or transferred to the board for deposit in the Wisconsin election  
12 campaign fund, as instructed by the former candidate or, if the candidate left no  
13 instruction, by the former candidate's next of kin ~~if the former candidate is deceased~~;  
14 or

15           **SECTION 10.** 8.35 (4) (c) and (d) of the statutes are amended to read:

16           8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be  
17 made and reported to the appropriate filing officer ~~in a special report~~ submitted by  
18 the former candidate's campaign treasurer. If the former candidate is deceased and  
19 was serving as his or her own campaign treasurer, the former candidate's petitioner  
20 or personal representative shall ~~file the report and make the transfer required by~~  
21 par. (b), if any and file the report. The report shall be made in the manner provided  
22 under s. 11.21 (16), if applicable, or otherwise at the appropriate interval under s.  
23 11.20 (2) or (4) and shall include a complete statement of all contributions,  
24 disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period

1 from the day after the last date covered on the former candidate's most recent report  
2 to the date of disposition.

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

7 **SECTION 11.** 11.001 (2m) of the statutes is created to read:

8 11.001 **(2m)** The legislature finds a compelling justification for minimal  
9 disclosure of all communications made near the time of an election that include the  
10 name or likeness of a candidate for state office to allow increased funding for such  
11 candidates based upon independent expenditures. This minimal disclosure burden  
12 is outweighed by the need to establish an effective funding mechanism for candidates  
13 for state office to effectively respond to independent expenditures that may impact  
14 an election for those offices.

15 **SECTION 12.** 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, other than a  
23 disbursement, made for the purpose of making a communication either that is made  
24 during the 30-day period preceding any spring primary for the office of justice or  
25 state superintendent and the date of the spring election, or if no primary is held,

1 during the 60-day period preceding the spring election, or that is made during the  
2 60-day period preceding any general or special election for a partisan state office  
3 other than the office of district attorney; that contains a reference to a clearly  
4 identified candidate for such an office at that election; that is made without  
5 cooperation or consultation with such a candidate, or any authorized committee or  
6 agent of such a candidate; and that is not made in concert with, or at the request or  
7 suggestion of, such a candidate, or any authorized committee or agent of such a  
8 candidate.

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

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

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

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

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



1           **SECTION 16.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended  
2 to read:

3           11.05 **(2)** (a) Except as provided in s. 9.10 (2) (d), every individual, other than  
4 a candidate or agent of a candidate, who accepts contributions, incurs obligations,  
5 or makes disbursements with respect to one or more elections for state or local office  
6 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with  
7 the appropriate filing officer giving the information required by sub. (3). An  
8 individual who guarantees a loan on which an individual, committee or group subject  
9 to a registration requirement defaults is not subject to registration under this  
10 subsection solely as a result of such default.

11           **SECTION 17.** 11.05 (2) (b) of the statutes is created to read:

12           11.05 **(2)**(b) Every individual who accepts contributions, incurs obligations, or  
13 makes disbursements with respect to one or more referenda in a calendar year in an  
14 aggregate amount in excess of \$100 shall file a statement with the appropriate filing  
15 officer giving the information required by sub. (3).

16           **SECTION 18.** 11.05 (2r) (title) of the statutes is renumbered 11.06 (2m) (title).

17           **SECTION 19.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and  
18 amended to read:

19           11.06 **(2m)** (a) Any person, committee or group, other than ~~a committee or~~ an  
20 individual or committee required to file an oath under s. 11.06 (7), who or which does  
21 not anticipate accepting contributions, making disbursements or incurring  
22 obligations in an aggregate amount in excess of \$1,000 in a calendar year and does  
23 not anticipate accepting any contribution or contributions from a single source, other  
24 than contributions made by a candidate to his or her own campaign, exceeding \$100  
25 in that year may indicate on its registration statement that the person, committee

1 or group will not accept contributions, incur obligations or make disbursements in  
2 the aggregate in excess of \$1,000 in any calendar year and will not accept any  
3 contribution or contributions from a single source, other than contributions made by  
4 a candidate to his or her own campaign, exceeding \$100 in such any calendar year.  
5 Any registrant making such an indication is not subject to any filing requirement if  
6 the statement is true. The registrant need not file a termination report. A registrant  
7 not making such an indication on a registration statement is subject to a filing  
8 requirement. The indication may be revoked and the registrant is then subject to a  
9 filing requirement as of the date of revocation, or the date that aggregate  
10 contributions, disbursements or obligations for the calendar year exceed \$1,000, or  
11 the date on which the registrant accepts any contribution or contributions exceeding  
12 \$100 from a single source, other than contributions made by a candidate to his or her  
13 own campaign, during that any calendar year, whichever is earlier. ~~If the revocation~~  
14 ~~is not timely, the registrant violates s. 11.27 (1).~~

15 **SECTION 20.** 11.05 (3) (c) of the statutes is amended to read:

16 11.05 (3) (c) In the case of a committee, a statement as to whether the  
17 committee is a personal campaign committee, a political party committee, a  
18 legislative ~~campaign~~ committee, a support committee or a special interest  
19 committee.

20 **SECTION 21.** 11.05 (3) (m) of the statutes is created to read:

21 11.05 (3) (m) In the case of a personal campaign committee, the name of the  
22 candidate on whose behalf the committee was formed or intends to operate and the  
23 office or offices that the candidate seeks.

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

25 **SECTION 23.** 11.05 (3) (r) of the statutes is created to read:

1           11.05 (3) (r) In the case of a candidate or personal campaign committee of a  
2 candidate, the telephone number or numbers and a facsimile transmission number  
3 or electronic mail address, if any, at which the candidate may be contacted.

4           **SECTION 24.** 11.05 (5) of the statutes is amended to read:

5           11.05 (5) CHANGE OF INFORMATION. Any change in information previously  
6 submitted in a statement of registration shall be reported by the registrant to the  
7 appropriate filing officer within 10 days following the change. This period does not  
8 apply in case of change of an indication made under ~~sub. (2r)~~ s. 11.06 (2m), which  
9 shall be reported no later than the date that a registrant is subject to a filing  
10 requirement under ~~sub. (2r)~~ s. 11.06 (2m). Any such change may be reported only by  
11 the individual or by the officer who has succeeded to the position of an individual who  
12 signed the original statement; but in the case of a personal campaign committee, a  
13 candidate or campaign treasurer may report a change in the statement except as  
14 provided in s. 11.10 (2), and in the case of any other committee or group, the chief  
15 executive officer or treasurer indicated on the statement may report a change. If a  
16 preexisting support committee is adopted by a candidate as his or her personal  
17 campaign committee, the candidate shall file an amendment to the committee's  
18 statement under this subsection indicating that all information contained in the  
19 statement is true, correct and complete.

20           **SECTION 25.** 11.05 (9) (title) of the statutes is repealed and recreated to read:

21           11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

22           **SECTION 26.** 11.05 (12) (b) of the statutes is amended to read:

23           11.05 (12) (b) Except as authorized under sub. (13), a committee, group or  
24 individual other than a candidate or agent of a candidate shall comply with sub. (1)  
25 or (2) no later than the 5th business day commencing after receipt of the first

1 contribution by such committee, group or individual, and before making any  
2 disbursement. No committee, group or individual, other than a candidate or agent  
3 of a candidate, may accept any contribution or contributions exceeding ~~\$25 in the~~  
4 ~~aggregate~~ the amount specified in sub. (1) or (2) during a calendar year at any time  
5 when the committee, group or individual is not registered under this section except  
6 within the initial 5-day period authorized by this paragraph.

7 **SECTION 27.** 11.05 (13) of the statutes is amended to read:

8 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee  
9 or group does not violate this section by accepting a contribution and making a  
10 disbursement in the amount required to rent a postal box, or in the minimum amount  
11 required by a bank or trust company to open a checking account, prior to the time of  
12 registration, if the disbursement is properly reported on the first report submitted  
13 under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is  
14 registered, whenever a reporting requirement applies to the registrant.

15 **SECTION 28.** 11.06 (1) (intro.) of the statutes is amended to read:

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

23 **SECTION 29.** 11.06 (1) (e) of the statutes is amended to read:

24 11.06 (1) (e) An itemized statement of contributions over \$20 from a single  
25 source donated to a charitable organization or to the common school fund, with the

1 full name and mailing address of the donee, and a statement of contributions over  
2 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

3 **SECTION 30.** 11.06 (2) of the statutes is amended to read:

4 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding  
5 sub. (1), if a disbursement is made or obligation incurred by an individual other than  
6 a candidate or by a committee or group which is not primarily organized for political  
7 purposes, and the disbursement does not constitute a contribution to any candidate  
8 or other individual, committee or group, the disbursement or obligation is required  
9 to be reported only if the purpose is to expressly advocate the election or defeat of a  
10 clearly identified candidate or the adoption or rejection of a referendum. The  
11 exemption provided by this subsection shall in no case be construed to apply to a  
12 political party, ~~legislative campaign~~, personal campaign or support committee.

13 **SECTION 31.** 11.06 (2m) (b) to (d) of the statutes are created to read:

14 11.06 (2m) (b) Any individual or committee who or which is required to file an  
15 oath under s. 11.06 (7) and who or which accepts contributions, makes disbursements  
16 or incurs obligations for the purpose of supporting or opposing one or more  
17 candidates for state office and who or which does not anticipate accepting  
18 contributions, making disbursements or incurring obligations in an aggregate  
19 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any  
20 contribution or contributions from a single source exceeding \$100 in that year may  
21 indicate on its registration statement that the individual or committee will not  
22 accept contributions, incur obligations or make disbursements in the aggregate in  
23 excess of \$1,000 in any calendar year and will not accept any contribution or  
24 contributions from a single source exceeding \$100 in any calendar year. Any  
25 registrant making such an indication is not subject to any filing requirement if the

1 statement is true. The registrant need not file a termination report. A registrant not  
2 making such an indication on a registration statement is subject to a filing  
3 requirement. The indication may be revoked and the registrant is then subject to a  
4 filing requirement as of the date of revocation, or the date on which aggregate  
5 contributions, disbursements or obligations for the calendar year exceed \$1,000, or  
6 the date on which the registrant accepts any contribution or contributions exceeding  
7 \$100 from a single source during any calendar year, whichever is earlier.

8 (c) Any individual or committee who or which is required to file an oath under  
9 s. 11.06 (7) and who or which accepts contributions, makes disbursements or incurs  
10 obligations for the purpose of supporting or opposing one or more candidates for local  
11 office but not for the purpose of supporting or opposing any candidate for state office  
12 and who or which does not anticipate accepting contributions, making  
13 disbursements or incurring obligations in an aggregate amount in excess of \$100 in  
14 a calendar year may indicate on its registration statement that the individual or  
15 committee will not accept contributions, incur obligations or make disbursements in  
16 the aggregate in excess of \$100 in any calendar year and will not accept any  
17 contribution or contributions from a single source, other than contributions made by  
18 a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any  
19 registrant making such an indication is not subject to any filing requirement if the  
20 statement is true. The registrant need not file a termination report. A registrant not  
21 making such an indication on a registration statement is subject to a filing  
22 requirement. The indication may be revoked and the registrant is then subject to a  
23 filing requirement as of the date of revocation, or the date that aggregate  
24 contributions, disbursements or obligations for the calendar year exceed \$100,  
25 whichever is earlier.

1 (d) If a revocation by a registrant under this subsection is not timely, the  
2 registrant violates s. 11.27 (1).

3 **SECTION 32.** 11.06 (4) (b) of the statutes is amended to read:

4 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a  
5 contribution must be reported as received and accepted on the date received. This  
6 ~~subsection~~ paragraph applies notwithstanding the fact that the contribution is not  
7 deposited in ~~the a~~ campaign depository account by the closing date for ~~the a~~ reporting  
8 period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

9 **SECTION 33.** 11.06 (5) of the statutes is amended to read:

10 11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a  
11 group or committee shall make a good faith effort to obtain all required information.  
12 The first report shall commence no later than the date that the first contribution is  
13 received and accepted or the first disbursement is made. Each report shall be filed  
14 with the appropriate filing officer on the dates designated in s. 11.20 and, if the  
15 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The  
16 individual or the treasurer of the group or committee shall certify to the correctness  
17 of each report. In the case of a candidate, the candidate or treasurer shall certify to  
18 the correctness of each report. If a treasurer is unavailable, any person designated  
19 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

20 **SECTION 34.** 11.06 (7m) (a) of the statutes is amended to read:

21 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political  
22 party committee ~~or legislative campaign committee~~ supporting candidates of a  
23 political party files an oath under sub. (7) affirming that it does not act in cooperation  
24 or consultation with any candidate who is nominated to appear on the party ballot  
25 of the party at a general or special election, that the committee does not act in concert

1 with, or at the request or suggestion of, such a candidate, that the committee does  
2 not act in cooperation or consultation with such a candidate or agent or authorized  
3 committee of such a candidate who benefits from a disbursement made in opposition  
4 to another candidate, and that the committee does not act in concert with, or at the  
5 request or suggestion of, such a candidate or agent or authorized committee of such  
6 a candidate who benefits from a disbursement made in opposition to another  
7 candidate, the committee filing the oath may not make any contributions in support  
8 of any candidate of the party at the general or special election or in opposition to any  
9 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as  
10 authorized in par. (c).

11 **SECTION 35.** 11.06 (7m) (c) of the statutes is amended to read:

12 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change  
13 its status to a political party committee ~~or legislative campaign committee~~ may do  
14 so as of December 31 of any even-numbered year. Section 11.26 does not apply to  
15 contributions received by such a committee prior to the date of the change. Such a  
16 committee may change its status at other times only by filing a termination  
17 statement under s. 11.19 (1) and reregistering as a newly organized committee under  
18 s. 11.05.

19 **SECTION 36.** 11.06 (11) (c) of the statutes is amended to read:

20 11.06 (11) (c) A contribution of money received from a conduit, accompanied by  
21 the information required under par. (a), is considered to be a contribution from the  
22 original contributor for the purposes of ss. 11.26 (1) and (4) and 11.50 (2) (b) 5.

23 **SECTION 37.** 11.065 of the statutes is created to read:

24 **11.065 Independent expenditures.** (1) (a) If any person makes one or more  
25 communications to be financed with independent expenditures exceeding \$2,000 in



1 the aggregate, that person shall file a report with the board. The report shall be made  
2 whenever the person makes one or more communications financed or to be financed  
3 with independent expenditures exceeding \$2,000 in the aggregate and whenever the  
4 person makes one or more additional communications financed or to be financed with  
5 independent expenditures exceeding \$2,000 in the aggregate that are not identified  
6 in a previous report under this subsection. Reports required under this subsection  
7 shall be filed within 7 days after the date that communications financed with  
8 independent expenditures exceeding \$2,000 in the aggregate that are not identified  
9 in a previous report are made, or if communications are made within 15 days of the  
10 date of a spring primary or election or within 15 days of a September or special  
11 primary or general or special election, within 24 hours after the date that  
12 communications financed with independent expenditures exceeding \$2,000 in the  
13 aggregate that are not identified in a previous report are made.

14 (b) If a person makes or incurs an obligation to make a single independent  
15 expenditure for the purpose of financing communications that are to be made on  
16 more than one day, the person may report the entire expenditure under par. (a) for  
17 the day on which the person makes the first communication financed by the  
18 expenditure, or the person may report for each day on which the person makes one  
19 or more communications financed by the expenditure the proportionate amount of  
20 the expenditure attributable to the cost of the communication or communications  
21 made on that day.

22 **(2)** Each report filed under sub. (1) shall contain the following information:

23 (a) The name of each candidate who is identified in each communication  
24 financed by an independent expenditure.

1 (b) A statement as to whether the communication is intended to support or  
2 oppose any candidate who is identified under par. (a) and if so, the name of that  
3 candidate.

4 (c) The total amount or value of the independent expenditure and the  
5 cumulative aggregate independent expenditures made by the person with respect to  
6 that election.

7 **(3)** If a person who makes an independent expenditure does not indicate  
8 whether an independent expenditure is made against an eligible candidate or for an  
9 eligible candidate's opponent, or if the report reasonably appears to be incorrect, the  
10 board may obtain a copy of the communication and, after examination, determine  
11 whether the expenditure was made against an eligible candidate or for an eligible  
12 candidate's opponent for purposes of s. 11.50 (9) (bb). Any determination made by  
13 the board under this subsection applies solely for the purpose of administration of  
14 s. 11.50 (9) (bb).

15 **SECTION 38.** 11.07 (1) of the statutes is amended to read:

16 11.07 **(1)** Every nonresident committee or group making contributions and  
17 every nonresident individual, committee or group making disbursements exceeding  
18 ~~\$25-cumulatively~~ the amount specified in s. 11.05 (1) or (2) in a calendar year within  
19 this state shall file the name, mailing and street address and the name and the  
20 mailing and street address of a designated agent within the state with the office of  
21 the secretary of state. An agent may be any adult individual who is a resident of this  
22 state. After any change in the name or address of such agent the new address or  
23 name of the successor agent shall be filed within 30 days. Service of process in any  
24 proceeding under this chapter or ch. 12, or service of any other notice or demand may  
25 be made upon such agent.

1           **SECTION 39.** 11.07 (5) of the statutes is amended to read:

2           11.07 (5) Any campaign treasurer or individual who knowingly receives a  
3 contribution made by an unregistered nonresident in violation of this section may  
4 not use or expend such contribution but shall immediately return it to the source or  
5 at the option of the campaign treasurer or individual, donate the contribution to a  
6 charitable organization or to the common school fund or transfer the contribution to  
7 the board for deposit in the Wisconsin election campaign fund.

8           **SECTION 40.** 11.09 (3) of the statutes is amended to read:

9           11.09 (3) Each registrant whose filing officer is the board, who or which makes  
10 disbursements in connection with elections for offices which serve or referenda  
11 which affect only one county or portion thereof, except a candidate, personal  
12 campaign committee, political party committee or other committee making  
13 disbursements in support of or in opposition to a candidate for state senator,  
14 representative to the assembly, court of appeals judge or circuit judge, shall file a  
15 duplicate original of each financial report filed with the board with the county clerk  
16 or board of election commissioners of the county in which the elections in which the  
17 registrant participates are held. Such reports shall be filed no later than the dates  
18 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This  
19 subsection does not apply to a registrant who or which files reports under s. 11.21  
20 (16).

21           **SECTION 41.** 11.10 (1) of the statutes is amended to read:

22           11.10 (1) Each candidate in an election shall appoint one campaign treasurer.  
23 Except as provided in s. 11.14 (3), each candidate shall designate one campaign  
24 depository account within 5 business days after the candidate receives his or her first  
25 contribution and before the candidate makes or authorizes any disbursement in

1 behalf of his or her candidacy. If a candidate adopts a preexisting support committee  
2 as his or her personal campaign committee, the candidate shall make such  
3 designation within 5 business days of adoption. The person designated as campaign  
4 treasurer shall be the treasurer of the candidate's personal campaign committee, if  
5 any. The candidate may appoint himself or herself or any other elector as campaign  
6 treasurer. A registration statement under s. 11.05 (2g) ~~or (2r)~~ must be filed jointly  
7 by every candidate and his or her campaign treasurer. The candidate does not  
8 qualify for ballot placement until this requirement is met. Except as authorized  
9 under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the  
10 correctness of each report required to be filed, and the candidate bears the  
11 responsibility for the accuracy of each report for purposes of civil liability under this  
12 chapter, whether or not the candidate certifies it personally.

13 **SECTION 42.** 11.12 (2) of the statutes is amended to read:

14 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign  
15 or committee treasurer or by an individual under s. 11.06 (7) may not be used or  
16 expended. The contribution shall be donated to the common school fund or to any  
17 charitable organization or transferred to the board for deposit in the Wisconsin  
18 election campaign fund, at the option of the treasurer.

19 **SECTION 43.** 11.12 (2m) of the statutes is created to read:

20 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in  
21 the form of money that is made by an individual who has made contributions to the  
22 registrant cumulatively within a calendar year exceeding \$100 in amount or value,  
23 and the contributor has not provided to the treasurer the information required under  
24 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before  
25 depositing the contribution in the campaign depository account. If the treasurer does

1 not receive the information within the period prescribed under s. 11.14 (1), the  
2 treasurer shall return the contribution to the contributor.

3 **SECTION 44.** 11.12 (4) of the statutes is amended to read:

4 11.12 (4) Each registrant shall report contributions, disbursements and  
5 incurred obligations in accordance with s. 11.20 and, if the registrant files reports  
6 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.  
7 11.06 (2), (3) and (3m), each report shall contain the information which is required  
8 under s. 11.06 (1).

9 **SECTION 45.** 11.12 (5) of the statutes is amended to read:

10 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are  
11 received by a candidate for state office or by a committee or individual from a single  
12 contributor later than 15 days prior to a primary or election such that it is not  
13 included in the preprimary or preelection report submitted under s. 11.20 (3), the  
14 treasurer of the committee or the individual receiving the contribution shall within  
15 24 hours of receipt inform the appropriate filing officer of the information required  
16 under s. 11.06 (1) in such manner as the board may prescribe. The information shall  
17 also be included in the treasurer's or individual's next regular report. For purposes  
18 of the reporting requirement under this subsection, only contributions received  
19 during the period beginning with the day after the last date covered on the  
20 preprimary or preelection report, and ending with the day before the primary or  
21 election need be reported. This subsection does not apply to a registrant who or  
22 which files reports under s. 11.21 (16).

23 **SECTION 46.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended  
24 to read:

1           11.12 (6) (a) ~~If any~~ an individual or committee incurs an obligation or makes  
2 a disbursement of more than \$20 cumulatively is made to advocate the election or  
3 defeat of a clearly identified candidate by an individual or committee later than 15  
4 days prior to a primary or election in which the candidate's name appears on the  
5 ballot without cooperation or consultation with a candidate or agent or authorized  
6 committee of a candidate who is supported or whose opponent is opposed, and not in  
7 concert with or at the request or suggestion of such a candidate, agent or committee,  
8 the individual or treasurer of the committee shall, within 24 hours of after incurring  
9 the obligation or making the disbursement, inform the appropriate filing officer of  
10 the information required under s. 11.06 (1) in such manner as the board may  
11 prescribe. The information shall also be included in the next regular report of the  
12 individual or committee under s. 11.20. For purposes of this subsection, paragraph,  
13 obligations and disbursements cumulate beginning with the day after the last date  
14 covered on the preprimary or preelection report and ending with the day before the  
15 primary or election. Upon receipt of a report under this subsection paragraph, the  
16 filing officer shall, within 24 hours of receipt, mail a copy of the report to all  
17 candidates for any office in support of or opposition to one of whom a an incurred  
18 obligation or disbursement identified in the report is incurred or made. A committee  
19 that files a report pertaining to a disbursement under par. (c) is not required to file  
20 a report pertaining to the same disbursement under this paragraph. This paragraph  
21 does not apply to a committee that files reports under s. 11.21 (16).

22           **SECTION 47.** 11.12 (6) (c) and (d) of the statutes are created to read:

23           11.12 (6) (c) If any committee identified under s. 11.05 (3) (c) makes any  
24 disbursement for the purpose of supporting the election or defeat of a candidate for  
25 a state office specified in s. 11.31 (1) (a) to (de), (e), or (f), or any such candidate who

1 seeks a nomination for such an office at a primary election, during any period  
2 beginning on the 60th day preceding the election or primary and ending on the date  
3 of that election or primary, without cooperation or consultation with a candidate or  
4 agent, or authorized committee of a candidate who is supported or whose opponent  
5 is opposed, and not in concert with or at the request or suggestion of such a candidate,  
6 agent, or committee, the committee shall file daily reports with the board and with  
7 each candidate whose name is certified to appear on the ballot for the office in  
8 connection with which the disbursement is made, by electronic mail or facsimile  
9 transmission, on each day beginning with the date on which the committee indicates  
10 an intent to support or oppose that candidate in its statement under s. 11.06 (7) and  
11 ending on the date of the election at which the candidate seeks office. Each report  
12 shall contain the information required under s. 11.06 (1) pertaining to each  
13 disbursement made by the committee, together with the name of each candidate who  
14 is supported or whose opponent is opposed and the total amount of disbursements  
15 made in support of or in opposition to that candidate. The committee shall file each  
16 report no later than 24 hours after the disbursement identified in the report is made.

17 (d) All information reported by a registrant under this subsection shall also be  
18 included in the next regular report of the registrant under s. 11.20.

19 **SECTION 48.** 11.12 (8) and (9) of the statutes are created to read:

20 11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),  
21 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that  
22 candidate has accumulated cash in his or her campaign depository account or has  
23 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding  
24 a combined total of 75% of the amount specified in s. 11.31 (1) (a) to (de), (e), or (f),  
25 as adjusted under s. 11.31 (9), for the office that the candidate seeks, that candidate

1 or the candidate's personal campaign committee shall file daily reports with the  
2 board and with each candidate whose name is certified to appear on the ballot for the  
3 office in connection with which the disbursement is made, by electronic mail or  
4 facsimile transmission, on each day beginning with that date or the 7th day after the  
5 primary election or the date that a primary would be held, if required, whichever is  
6 later, and ending on the date of the election at which the candidate seeks office. Each  
7 report shall contain information pertaining to each disbursement made by the  
8 candidate or committee and shall be filed no later than 24 hours after that  
9 disbursement is made. Each report shall include the same information concerning  
10 each disbursement that is required to be reported for other disbursements under s.  
11 11.06 (1). The information shall also be included in the next regular report of the  
12 candidate or committee under s. 11.20.

13 **(9)** Whenever a report is required to be filed with a candidate by electronic mail  
14 or facsimile transmission under this section, the report shall be filed at the address  
15 or number of the candidate or personal campaign committee as shown on the  
16 registration statement of the candidate or committee. If no electronic mail address  
17 or facsimile transmission number is shown, the report shall be filed at the mailing  
18 address shown on the statement.

19 **SECTION 49.** 11.14 (3) of the statutes is amended to read:

20 11.14 **(3)** Notwithstanding sub. (1), any candidate who serves as his or her own  
21 campaign treasurer and who is authorized to make and makes an indication on his  
22 or her registration statement under s. ~~11.05 (2r)~~ 11.06 (2m) that he or she will not  
23 accept contributions, make disbursements or incur obligations in an aggregate  
24 amount exceeding \$1,000 in a calendar year, and will not accept any contribution or  
25 contributions from a single source, other than contributions made by the candidate



1 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single  
2 personal account as his or her campaign depository account, and may intermingle  
3 personal and other funds with campaign funds. If a separate depository account is  
4 later established by the candidate, the candidate shall transfer all campaign funds  
5 in the personal account to the new depository account. Disbursements made from  
6 such personal account need not be identified in accordance with s. 11.16 (3).

7 **SECTION 50.** 11.16 (2) of the statutes is amended to read:

8 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money  
9 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized  
10 credit card receipt bearing on the face the name of the remitter. No treasurer may  
11 accept a contribution made in violation of this subsection. The treasurer shall  
12 promptly return the contribution, ~~or donate it~~ the contribution to the common school  
13 fund or to a charitable organization or transfer the contribution to the board for  
14 deposit in the Wisconsin election campaign fund in the event that the donor cannot  
15 be identified.

16 **SECTION 51.** 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  
25 connection with the effort or program shall be received and disbursed through a

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

7 **SECTION 52.** 11.19 (title) of the statutes is amended to read:

8 **11.19 (title) ~~Dissolution~~ Carry-over of surplus funds; dissolution of**  
9 **registrants; termination reports.**

10 **SECTION 53.** 11.19 (1) of the statutes is amended to read:

11 11.19 (1) Whenever any registrant disbands or determines that obligations will  
12 no longer be incurred, and contributions will no longer be received nor disbursements  
13 made during a calendar year, and the registrant has no outstanding incurred  
14 obligations, the registrant shall file a termination report with the appropriate filing  
15 officer. Such report shall indicate a cash balance on hand of zero at the end of the  
16 reporting period and shall indicate the disposition of residual funds. Residual funds  
17 may be used for any political purpose not prohibited by law, returned to the donors  
18 in an amount not exceeding the original contribution, transferred to the board for  
19 deposit in the Wisconsin election campaign fund or donated to a charitable  
20 organization or the common school fund. The report shall be filed and certified as  
21 were previous reports, and shall contain the information required by s. 11.06 (1). A  
22 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that  
23 subsection with a termination report filed under this subsection. If a termination  
24 report or suspension report under sub. (2) is not filed, the registrant shall continue  
25 to file periodic reports with the appropriate filing officer, no later than the dates

1 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later  
2 than the times specified in s. 11.21 (16). This subsection does not apply to any  
3 registrant making an indication under s. ~~11.05 (2r)~~ 11.06 (2m).

4 **SECTION 54.** 11.20 (1) of the statutes is amended to read:

5 11.20 (1) All reports required by s. 11.06 which relate to activities which  
6 promote or oppose candidates for state office or statewide referenda and all reports  
7 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which  
8 relate to activities which promote or oppose candidates for local office or local  
9 referenda shall be filed with the appropriate filing officer under s. 11.02, except  
10 reports filed under s. 11.08. Each registrant shall file the reports required by this  
11 section. If the registrant is subject to a requirement under s. 11.21 (16) to report  
12 electronically the same information that is reportable under this section, the  
13 registrant shall, in addition, file the reports required by this section recorded on a  
14 medium specified by the board.

15 **SECTION 55.** 11.20 (7) of the statutes is amended to read:

16 11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that  
17 any report is required to be filed under this section chapter on a nonbusiness day, it  
18 may be filed on the next business day thereafter.

19 **SECTION 56.** 11.20 (9) of the statutes is amended to read:

20 11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty  
21 to file reports under this section continues until a termination report is filed in  
22 accordance with s. 11.19.

23 **SECTION 57.** 11.20 (10) (a) of the statutes is amended to read:

24 11.20 (10) (a) Where a requirement is imposed under this section for the filing  
25 of a financial report which is to be received by the appropriate filing officer no later

1 than a certain date, the requirement may be satisfied either by actual receipt of the  
2 report by the prescribed time for filing at the office of the filing officer, or by filing a  
3 report with the U.S. postal service by first class mail with sufficient prepaid postage,  
4 addressed to the appropriate filing officer, no later than the 3rd day before the date  
5 provided by law for receipt of such report.

6 **SECTION 58.** 11.20 (12) of the statutes is amended to read:

7 11.20 (12) If a candidate is unopposed in a primary or election, the obligation  
8 to file the reports required by this chapter does not cease. Except as provided in ss.  
9 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no  
10 contributions, makes no disbursements or incurs no obligations shall so report on the  
11 dates designated in subs. (2) and (4).

12 **SECTION 59.** 11.21 (2) of the statutes is amended to read:

13 11.21 (2) Furnish to each registrant prescribed forms for the making of reports  
14 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and  
15 not later than 14 days prior to the applicable filing deadline under s. 11.20, and  
16 addressed to the attention of the treasurer or other person indicated on the  
17 registration statement. Forms need not be sent to a registrant who has made an  
18 indication that aggregate contributions, disbursements and obligations will not  
19 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has  
20 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by  
21 the board to a registrant if the registrant is required to file reports with the board  
22 in an electronic format. Whenever any notice of filing requirements under this  
23 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice  
24 to the candidate if he or she has appointed a separate treasurer. Failure to receive  
25 any form or notice does not exempt a registrant from compliance with this chapter.

1           **SECTION 60.** 11.21 (15) of the statutes is amended to read:

2           11.21 (15) Inform each candidate who files an application to become eligible to  
3 receive a grant from the Wisconsin election campaign fund of the dollar amount of  
4 the applicable disbursement limitation under s. 11.31 (1) or (1m), adjusted as  
5 provided under s. 11.31 (9), which applies to the office for which such person is a  
6 candidate. Failure to receive the notice required by this subsection does not  
7 constitute a defense to a violation of s. 11.27 (1) or 11.31.

8           **SECTION 61.** 11.21 (16) of the statutes is amended to read:

9           11.21 (16) Require each registrant for whom the board serves as filing officer  
10 and who or which accepts contributions in a total amount or value of \$20,000 or more  
11 during a campaign period to file each campaign finance report that is required to be  
12 filed under this chapter in an electronic format, and accept from any other registrant  
13 for whom the board serves as a filing officer any campaign finance report that is  
14 required to be filed under this chapter in an electronic format. A registrant who or  
15 which becomes subject to a requirement to file reports in an electronic format under  
16 this subsection shall initially file the registrant's report in an electronic format for  
17 the period which includes the date on which the registrant becomes subject to the  
18 requirement or, if the registrant is required to report transactions within 24 hours  
19 of their occurrence, within 24 hours after the date on which the registrant becomes  
20 subject to the requirement. To facilitate implementation of this subsection, the board  
21 shall specify, by rule, a type of software that is suitable for compliance with the  
22 electronic filing requirement under this subsection. The board shall provide copies  
23 of the software to registrants at a price fixed by the board that may not exceed cost.  
24 Each registrant who or which files a report under this subsection in an electronic  
25 format shall also file a copy of the report with the board that is recorded on a medium

1 specified by the board. The copy shall be signed by an authorized individual and filed  
2 with the board by each registrant no later than the time prescribed for filing of the  
3 report under this chapter. If a registrant is a committee, the copy shall be certified  
4 by an authorized individual and filed with the board by the registrant no later than  
5 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1).  
6 If a registrant or other person becomes subject to a requirement to report  
7 electronically under this subsection, the registrant or other person shall continue to  
8 report electronically regardless of the amount of contributions accepted or  
9 expenditures made by the registrant or other person, until a termination report is  
10 filed. The board shall provide complete instructions to any registrant who or which  
11 files a report under this subsection. In this subsection, the “campaign period” of a  
12 candidate, personal campaign committee or support committee begins and ends with  
13 the “campaign” of the candidate whose candidacy is supported, as defined in s. 11.26  
14 (17), and the “campaign period” of any other registrant begins on January 1 of each  
15 odd-numbered year and ends on December 31 of the following year. Section 990.001  
16 (4) does not apply to the computation of time permitted for compliance with the filing  
17 requirements under this subsection.

18 **SECTION 62.** 11.22 (3) of the statutes is amended to read:

19 11.22 (3) Furnish to each registrant prescribed forms for the making of reports  
20 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and  
21 not later than 14 days prior to the applicable filing deadline under s. 11.20 and  
22 addressed to the attention of the treasurer or other person indicated on the  
23 registration statement. Forms need not be sent to a registrant who has made an  
24 indication that aggregate contributions, disbursements and obligations will not  
25 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has

1     been granted a suspension under s. 11.19 (2). Whenever any notice of the filing  
2     requirements under this chapter is sent to a candidate's campaign treasurer, the  
3     filing officer shall also send a notice to the candidate if he or she has appointed a  
4     separate treasurer. Failure to receive any form or notice does not exempt a registrant  
5     from compliance with this chapter.

6           **SECTION 63.** 11.23 (1) of the statutes is amended to read:

7           11.23 (1) Any group or individual may promote or oppose a particular vote at  
8     any referendum in this state. Before making disbursements, receiving contributions  
9     or incurring obligations in excess of \$25 \$100 in the aggregate in a calendar year for  
10    such purposes, the group or individual shall file a registration statement under s.  
11    11.05 (1), or (2) or (2r). In the case of a group the name and mailing address of each  
12    of its officers shall be given in the statement. Every group and every individual  
13    under this section shall designate a campaign depository account under s. 11.14.  
14    Every group shall appoint a treasurer, who may delegate authority but is jointly  
15    responsible for the actions of his or her authorized designee for purposes of civil  
16    liability under this chapter. The appropriate filing officer shall be notified by a group  
17    of any change in its treasurer within 10 days of the change under s. 11.05 (5). The  
18    treasurer of a group shall certify the correctness of each statement or report  
19    submitted by it under this chapter.

20           **SECTION 64.** 11.23 (2) of the statutes is amended to read:

21           11.23 (2) Any anonymous contribution exceeding \$10 received by an individual  
22    or group treasurer may not be used or expended. The contribution shall be donated  
23    to the common school fund or to any charitable organization or transferred to the  
24    board for deposit in the Wisconsin election campaign fund, at the option of the  
25    treasurer.

1           **SECTION 65.** 11.24 (1w) of the statutes is created to read:

2           11.24 (1w) No candidate or personal campaign committee of a candidate who  
3 applies for a grant under s. 11.50 may accept any contribution from a committee  
4 other than a political party committee.

5           **SECTION 66.** 11.24 (2) of the statutes is renumbered 11.24 (5).

6           **SECTION 67.** 11.24 (4) of the statutes is created to read:

7           11.24 (4) (a) No person may make a contribution to an incumbent partisan state  
8 elective official or to the personal campaign committee or support committee  
9 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that  
10 official's nomination or reelection to the office held by the official during the period  
11 beginning on the first Monday of January in each odd-numbered year and ending  
12 on the date of enactment of the biennial budget act.

13           (b) Notwithstanding par. (a), a person may make a contribution to an  
14 incumbent partisan state elective official against whom a recall petition has been  
15 filed during the period beginning on the date that the petition offered for filing is filed  
16 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official  
17 resigns at an earlier date under s. 9.10 (3) (c).

18           **SECTION 68.** 11.26 (1) (intro.) of the statutes is amended to read:

19           11.26 (1) (intro.) No individual, except an individual serving as a conduit, may  
20 make any contribution or contributions to a candidate for election or nomination to  
21 any of the following offices and to any individual or committee under s. 11.06 (7)  
22 acting solely in support of such a candidate or solely in opposition to the candidate's  
23 opponent to the extent of more than a total of the amounts specified per candidate:

24           **SECTION 69.** 11.26 (2) (intro.) of the statutes is amended to read:



1           11.26 (2) (intro.) No committee ~~other than~~, including a committee serving as a  
2 conduit, but not including a political party committee or legislative campaign  
3 committee may make any contribution or contributions to a candidate for election or  
4 nomination to any of the following offices and to any individual or committee under  
5 s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the  
6 candidate's opponent to the extent of more than a total of the amounts specified per  
7 candidate:

8           **SECTION 70.** 11.26 (2) (a) of the statutes is amended to read:

9           11.26 (2) (a) Candidates for governor, ~~lieutenant governor, secretary of state,~~  
10 ~~state treasurer, attorney general, state superintendent or justice, 4% of the value of~~  
11 ~~the disbursement level specified in the schedule under s. 11.31 (1) \$45,000.~~

12           **SECTION 71.** 11.26 (2) (ad) to (au) of the statutes are created to read:

13           11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

14           (am) Candidates for attorney general, \$25,000.

15           (au) Candidates for secretary of state, state treasurer, state superintendent, or  
16 justice, \$10,000.

17           **SECTION 72.** 11.26 (4) of the statutes is amended to read:

18           11.26 (4) ~~No~~ Except as provided in sub. (10), no individual, except an individual  
19 serving as a conduit, may make any contribution or contributions to all candidates  
20 for state and local offices and to any individuals who or committees which are subject  
21 to a registration requirement under s. 11.05, including ~~legislative campaign~~  
22 ~~committees and committees of a political party,~~ to the extent of more than a total of  
23 \$10,000 in any calendar year.

24           **SECTION 73.** 11.26 (8) of the statutes is amended to read:

1           11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than  
2 a total of ~~\$150,000~~ \$450,000 in value of its contributions in any biennium from all  
3 other committees, excluding ~~contributions from legislative campaign committees~~  
4 ~~and~~ transfers between party committees of the party. In this paragraph, a biennium  
5 commences with January 1 of each odd-numbered year and ends with December 31  
6 of each even-numbered year.

7           (b) No such political party may receive more than a total of ~~\$6,000~~ \$18,000 in  
8 value of its contributions in any calendar year from any specific committee or its  
9 subunits or affiliates, excluding ~~legislative campaign and~~ political party committees.

10           (c) No committee, other than a political party ~~or legislative campaign~~  
11 committee, may make any contribution or contributions, directly or indirectly, to a  
12 political party under s. 5.02 (13) in a calendar year exceeding a total value of ~~\$6,000~~  
13 \$18,000.

14           **SECTION 74.** 11.26 (8m) of the statutes is created to read:

15           11.26 (8m) (a) Except as provided in par. (b), no committee may make a  
16 contribution to any other committee except a political party, personal campaign, or  
17 support committee.

18           (b) Paragraph (a) does not apply to any contribution made by a committee that  
19 is affiliated with a labor organization to any other committee that is affiliated with  
20 the same labor organization.

21           **SECTION 75.** 11.26 (9) (a) and (b) of the statutes are amended to read:

22           11.26 (9) (a) No individual who is a candidate for state or local office may receive  
23 and accept more than ~~65%~~ 20% of the value of the total disbursement level, as  
24 determined under s. 11.31 (1) and as adjusted as provided under s. 11.31 (9) but  
25 without respect to any adjustment under s. 11.31 (1m), for the office for which he or

1 she is a candidate during any primary and election campaign combined from all  
2 committees subject to a filing requirement, including political party and legislative  
3 campaign committees.

4 (b) No individual who is a candidate for state or local office may receive and  
5 accept more than ~~45%~~ 25% of the value of the total disbursement level, as determined  
6 under s. 11.31 (1) and as adjusted as provided under s. 11.31 (9) but without respect  
7 to any adjustment under s. 11.31 (1m), for the office for which he or she is a candidate  
8 during any primary and election campaign combined from all committees other than  
9 political party and legislative campaign committees subject to a filing requirement.

10 **SECTION 76.** 11.26 (9) (c) of the statutes is repealed.

11 **SECTION 77.** 11.26 (10) of the statutes is amended to read:

12 11.26 (10) No candidate for state office who files a sworn statement and  
13 application to receive a grant from the Wisconsin election campaign fund may make  
14 contributions of more than 200% of the amounts specified in sub. (1) to the  
15 candidate's own campaign from the candidate's personal funds or property or the  
16 personal funds or property which are owned jointly or as marital property with the  
17 candidate's spouse, unless the board determines that the candidate is not eligible to  
18 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~  
19 ~~or s. 11.50 (2) (i) applies.~~ For purposes of this subsection, any contribution received  
20 by a candidate or his or her personal campaign committee from a committee which  
21 is registered with the federal elections commission as the authorized committee of  
22 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the  
23 candidate to his or her own campaign. The contribution limit of sub. (4) applies to  
24 amounts contributed by such a candidate personally to the candidate's own  
25 campaign and to other campaigns, except that a candidate may exceed the limitation

1 if authorized under this subsection to contribute more than the amount specified to  
2 the candidate's own campaign, up to the amount of the limitation.

3 **SECTION 78.** 11.26 (12m) of the statutes is amended to read:

4 11.26 (12m) For purposes of ~~this section~~ subs. (1) and (4), a contribution of  
5 money received from a conduit identified in the manner prescribed in s. 11.06 (11)  
6 (a) shall be considered a contribution received from the original contributor.

7 **SECTION 79.** 11.265 of the statutes is repealed.

8 **SECTION 80.** 11.27 (1) of the statutes is amended to read:

9 11.27 (1) No person may prepare or submit a false report or statement to a filing  
10 officer under this chapter. This subsection does not apply to any information  
11 reported by a person making an independent expenditure under s. 11.065 (2).

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

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

18 **SECTION 82.** 11.31 (1) (a) to (d) of the statutes are amended to read:

19 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$2,000,000.

20 (b) Candidates for lieutenant governor, ~~\$323,475~~ \$500,000.

21 (c) Candidates for attorney general, ~~\$539,000~~ \$700,000.

22 (d) Candidates for secretary of state, state treasurer, ~~justice~~ or state  
23 superintendent, ~~\$215,625~~ \$250,000.

24 **SECTION 83.** 11.31 (1) (de) of the statutes is created to read:

25 11.31 (1) (de) Candidates for justice, \$300,000.

1           **SECTION 84.** 11.31 (1) (e) and (f) of the statutes are amended to read:

2           11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$120,000 total in the primary  
3 and election, with disbursements not exceeding ~~\$21,575~~ \$72,000 for either the  
4 primary or the election.

5           (f) Candidates for representative to the assembly, ~~\$17,250~~ \$60,000 total in the  
6 primary and election, with disbursements not exceeding ~~\$10,775~~ \$36,000 for either  
7 the primary or the election.

8           **SECTION 85.** 11.31 (1m) of the statutes is created to read:

9           11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PRIMARY  
10 ELECTIONS. The total disbursement level for any candidate whose name appears on  
11 the ballot as a candidate for an office at a primary election and who receives less than  
12 twice as many votes at that election as another candidate for the same office is 120%  
13 of the amount specified in sub. (1) for the candidate who receives the greatest number  
14 of votes in the primary election, adjusted as provided in sub. (9).

15           **SECTION 86.** 11.31 (2) of the statutes is amended to read:

16           11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general  
17 election who files a sworn statement and application to receive a grant from the  
18 Wisconsin election campaign fund may make or authorize total disbursements from  
19 ~~the~~ his or her campaign treasury in any campaign to the extent of more than the  
20 amount prescribed in sub. (1) or (1m), whichever is applicable, adjusted as provided  
21 under sub. (9), unless the board determines that the candidate is not eligible to  
22 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~  
23 ~~or s. 11.50 (2) (i) sub. (3p) applies.~~ No candidate for state office at a special election  
24 who files a sworn statement and application to receive a grant from the Wisconsin  
25 election campaign fund may make or authorize total disbursements from ~~the~~ his or

1 her campaign treasury in any campaign to the extent of more than the amount  
2 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding  
3 spring or general election for the same office, unless the board determines that the  
4 candidate is not eligible to receive a grant, ~~the candidate withdraws his or her~~  
5 ~~application under s. 11.50 (2) (h), or s. 11.50 (2) (i) sub. (3p) applies.~~

6 **SECTION 87.** 11.31 (2m) of the statutes is repealed:

7 **SECTION 88.** 11.31 (3) of the statutes is amended to read:

8 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the  
9 limitations imposed under sub. (2), candidates for governor and lieutenant governor  
10 of the same political party who both accept grants from the Wisconsin election  
11 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),  
12 adjusted as provided under sub. (9), and reallocate the total level between them. The  
13 candidates shall each inform the board of any such agreement.

14 **SECTION 89.** 11.31 (3p) of the statutes is created to read:

15 11.31 (3p) CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION. If a candidate  
16 receives a grant under s. 11.50 (9) (b) or (ba), the disbursement limitation of that  
17 candidate for the campaign in which the grant is received is increased by the amount  
18 of that grant.

19 **SECTION 90.** 11.31 (9) of the statutes is created to read:

20 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,  
21 “consumer price index” means the average of the consumer price index over each  
22 12-month period, all items, U.S. city average, as determined by the bureau of labor  
23 statistics of the U.S. department of labor.

24 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall  
25 be subject to a cost-of-living adjustment to be determined by rule of the board in

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

12 **SECTION 91.** 11.38 (1) (a) 2. of the statutes is amended to read:

13 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association  
14 may establish and administer a separate segregated fund and solicit contributions  
15 from individuals to the fund to be utilized by such corporation or association, for the  
16 purpose of supporting or opposing any candidate for state or local office but the  
17 corporation or association may not make any contribution to the fund. The fund shall  
18 appoint a treasurer and shall register as a political committee under s. 11.05. A  
19 parent corporation or association engaging solely in this activity is not subject to  
20 registration under s. 11.05, but shall register and file special reports on forms  
21 prescribed by the board disclosing its administrative and solicitation expenses on  
22 behalf of such fund. A corporation not domiciled in this state need report only its  
23 expenses for administration and solicitation of contributions in this state together  
24 with a statement indicating where information concerning other administration and  
25 solicitation expenses of its fund may be obtained. The reports shall be filed with the

1 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21  
2 (16), if applicable, or otherwise in the manner in which continuing reports are filed  
3 under s. 11.20 (4) and (8).

4 **SECTION 92.** 11.38 (6) of the statutes is amended to read:

5 11.38 (6) Any individual or campaign treasurer who receives funds in violation  
6 of this section shall promptly return such funds to the contributor ~~or~~, donate the  
7 funds to the common school fund or a charitable organization or transfer the funds  
8 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's  
9 option.

10 **SECTION 93.** 11.38 (8) (b) of the statutes is amended to read:

11 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making  
12 any disbursement on behalf of a political group which is promoting or opposing a  
13 particular vote at a referendum and prior to accepting any contribution or making  
14 any disbursement to promote or oppose a particular vote at a referendum, a  
15 corporation or association organized under ch. 185 shall register with the  
16 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The  
17 registration form of the corporation or association under s. 11.05 shall designate an  
18 account separate from all other corporation or association accounts as a campaign  
19 depository account, through which all moneys received or expended for the adoption  
20 or rejection of the referendum shall pass. The corporation or association shall file  
21 periodic reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the  
22 information required under s. 11.06 (1).

23 **SECTION 94.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

24 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general  
25 account:



1           **SECTION 95.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

2           **SECTION 96.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b.

3           **SECTION 97.** 11.50 (1) (a) 2m. of the statutes is created to read:

4           11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party  
5 account, an individual who is certified under s. 7.08 (2) (a) in the general election or  
6 a special election as the candidate of an eligible political party for a state office, other  
7 than district attorney, or an individual who has been lawfully appointed and certified  
8 to replace such an individual on the ballot at the general or a special election and who  
9 has qualified for a grant under sub. (2).

10          **SECTION 98.** 11.50 (1) (am) of the statutes is created to read:

11          11.50 (1) (am) “Eligible political party” means any of the following:

12           1. A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more  
13 separate columns or rows on a ballot for the period beginning on the date of the  
14 preceding general election and ending on the day before the general election that  
15 follows that election.

16           2. A party qualifying under s. 5.62 (2) for a separate ballot or one or more  
17 separate columns or rows on a ballot for the period beginning on the preceding June  
18 1, or if that June 1 is in an odd-numbered year, the period beginning on June 1 of the  
19 preceding even-numbered year, and ending on May 31 of the 2nd year following that  
20 June 1.

21          **SECTION 99.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

22          11.50 (1) (bm) “General account” means the account in the fund created under  
23 sub. (2w).

24          (cm) “Political party account” means an account in the fund created under sub.  
25 (2s).

1           **SECTION 100.** 11.50 (2) (a) of the statutes is amended to read:

2           11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may  
3 file an application with the board requesting approval to participate in the fund. The  
4 application shall be filed no later than the applicable deadline for filing nomination  
5 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m.  
6 on the 7th day after the primary or date on which the primary would be held if  
7 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day  
8 after appointment in the case of candidates appointed to fill vacancies. The  
9 application shall contain a sworn statement that the candidate and his or her  
10 authorized agents have complied with the contribution limitations prescribed in s.  
11 11.26 and the disbursement limitations ~~prescribed~~ imposed under s. 11.31 (2), as  
12 adjusted under s. 11.31 (9), at all times to which such limitations have applied to his  
13 or her candidacy and will continue to comply with the limitations at all times to  
14 which the limitations apply to his or her candidacy for the office in contest, unless  
15 the board determines that the candidate is not eligible to receive a grant, ~~the~~  
16 ~~candidate withdraws his or her application under par. (h), or par. (i) s. 11.31 (3p)~~  
17 applies. The application shall also contain a sworn statement that the candidate and  
18 his or her agents have not accepted any contribution made by a committee other than  
19 a political party committee during the campaign, or, if any such contribution has  
20 been accepted, that the contribution has been returned or donated as provided in par.  
21 (j), and the candidate and his or her agents will not accept any such contribution  
22 during the campaign, unless the candidate is determined by the board to be ineligible  
23 to receive a grant after the date of that determination.

24           **SECTION 101.** 11.50 (2) (b) 5. of the statutes is amended to read:

1           11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
2 of the date of the spring or September primary, or the date that the special primary  
3 is or would be held, if required, indicate that the candidate has received an amount  
4 equal to at least the amount provided in this subdivision 5% of the applicable  
5 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted  
6 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), from  
7 contributions of money, other than loans, made by individuals who reside in this  
8 state and, in the case of a candidate for legislative office, by individuals at least 50%  
9 of whom reside in a county having territory within the legislative district in which  
10 the candidate seeks office, which contributions have been received during the period  
11 ending on the date of the spring primary and July 1 preceding such date in the case  
12 of candidates at the spring election, or the date of the September primary and  
13 January 1 preceding such date in the case of candidates at the general election, or  
14 the date that a special primary will or would be held, if required, and 90 days  
15 preceding such date or the date a special election is ordered, whichever is earlier, in  
16 the case of ~~special election~~ candidates at a special election, which contributions are  
17 in the aggregate amount of \$100 or less, and which contributions are fully identified  
18 and itemized as to the exact source thereof. A contribution received from a conduit  
19 which is identified by the conduit as originating from an individual shall be  
20 considered a contribution made by the individual. ~~Only the first \$100 of an aggregate~~  
21 ~~contribution of more than \$100 may be counted toward the required percentage. For~~  
22 ~~a candidate at the spring or general election for an office identified in s. 11.26 (1) (a)~~  
23 ~~or a candidate at a special election, the required amount to qualify for a grant is 5%~~  
24 ~~of the candidate's authorized disbursement limitation under s. 11.31. For any other~~

1 candidate at the general election, the required amount to qualify for a grant is 10%  
2 of the candidate's authorized disbursement limitation under s. 11.31.

3 **SECTION 102.** 11.50 (2) (c) of the statutes is amended to read:

4 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the  
5 spring primary, September primary, special primary, or date that the special primary  
6 would be held, if required, which indicate that he or she has met the qualification  
7 under par. (b) 5., the candidate may file a special report with the board. Such report  
8 shall be filed not later than the 7th day after the primary, or 7th day after the date  
9 the primary would be held, if required, and shall include such supplementary  
10 information as to sources of contributions which may be necessary to complete the  
11 candidate's qualification. The special report shall cover the period from the day after  
12 the last date covered on the candidate's most recent report, or from the date on which  
13 the first contribution was received or the first disbursement was made, whichever  
14 is earlier, if the candidate has not previously filed a report, to the date of such report.  
15 All information included on the special report shall also be included in the  
16 candidate's next report under s. 11.20. This paragraph does not apply to a candidate  
17 who files reports under s. 11.21 (16).

18 **SECTION 103.** 11.50 (2) (g) of the statutes is amended to read:

19 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant  
20 in accordance with this subsection accepts and agrees to comply with the  
21 contribution limitations prescribed in s. 11.26 and the disbursement limitations  
22 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself  
23 or herself and his or her agents during the campaign of that candidate as defined in  
24 s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board

1 determines that the candidate is not eligible to receive a grant, ~~the candidate~~  
2 ~~withdraws the application under par. (h), or par. (i) s. 11.31 (3p) applies.~~

3 **SECTION 104.** 11.50 (2) (h) of the statutes is repealed.

4 **SECTION 105.** 11.50 (2) (i) of the statutes is repealed.

5 **SECTION 106.** 11.50 (2) (j) of the statutes is created to read:

6 11.50 (2) (j) If a candidate who desires to apply for a grant has accepted, or the  
7 candidate's personal campaign committee has accepted, a contribution from a  
8 committee other than a political party committee during the campaign for the office  
9 that the candidate seeks, the candidate shall, before filing an application to receive  
10 a grant, return the contribution or its monetary equivalent to the contributor, or, at  
11 the contributor's option, donate an amount equal to the contribution to the fund or  
12 to the common school fund. If the board later determines that the candidate is  
13 ineligible to receive a grant, the candidate may then accept contributions from  
14 committees other than political party committees after the date of that  
15 determination.

16 **SECTION 107.** 11.50 (2m) of the statutes is created to read:

17 11.50 (2m) PUBLIC INFORMATION. (a) Annually, no later than September 1, the  
18 board may notify the state treasurer that an amount not exceeding 5% of the amount  
19 transferred to the fund in that year shall be placed in a public information account.  
20 Moneys in this account shall be expended by the board for the purpose of providing  
21 public information concerning the purpose and effect of this section and s. 71.10 (3).

22 (b) As part of the public information program under par. (a), the board shall  
23 prepare an easily understood description of the purpose and effect of this section and  
24 s. 71.10 (3).

1 (c) Any amount placed in the public information account that is not expended  
2 by the board in any year shall be retained in that account.

3 **SECTION 108.** 11.50 (2s) of the statutes is created to read:

4 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party  
5 account for each eligible political party. Each political party account consists of all  
6 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

7 (b) From the account of each eligible political party, the board shall apportion  
8 moneys to eligible candidates representing that party who qualify to receive grants.  
9 Whenever an eligible candidate representing an eligible political party receives a  
10 grant, the state treasurer shall first make payment of the grant from the political  
11 party account of that party, to the extent that sufficient moneys are available in that  
12 account to make payment of the grant.

13 (c) If a political party for which an account is established under this subsection  
14 ceases to be an eligible political party, the board shall transfer the unencumbered  
15 balance of that account to the general account.

16 **SECTION 109.** 11.50 (2w) of the statutes is created to read:

17 11.50 (2w) GENERAL ACCOUNT. There is established a general account within  
18 the fund consisting of all moneys designated by individuals for deposit in that  
19 account under s. 71.10 (3) (a).

20 **SECTION 110.** 11.50 (3) of the statutes is repealed.

21 **SECTION 111.** 11.50 (4) of the statutes is repealed and recreated to read:

22 11.50 (4) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment  
23 of each grant to an eligible candidate from the political party account of that  
24 candidate's political party, if any, if there are sufficient moneys in that account to  
25 make full payment of the grant, and then from the general account. If there are

1 insufficient moneys in the general account to make full payment of a grant, the state  
2 treasurer shall supplement the general account from the appropriation under s.  
3 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as  
4 provided in subs. (4m) and (10), the amount of each grant is the amount specified in  
5 sub. (9).

6 **SECTION 112.** 11.50 (4m) of the statutes is created to read:

7 11.50 (4m) GRANTS FOR PRIMARY CAMPAIGNS. If an eligible candidate who qualifies  
8 to receive a grant in a spring, general, or special election was opposed in the spring  
9 or September primary, or in a special primary, by a candidate who qualified to have  
10 his or her name appear on the primary ballot and the eligible candidate won  
11 nomination in that primary, the board shall award to that candidate the primary  
12 grant specified in sub. (9) (a) at the same time that grants are distributed under that  
13 paragraph for the spring, general, or special election, provided that the candidate  
14 has filed with the board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1),  
15 8.20 (8) (a), or 8.50 (3) (a) nomination papers containing at least the following number  
16 of valid signatures of electors for the office that the candidate seeks:

- 17 (a) For candidates for statewide offices, not less than 4,000 electors.  
18 (b) For candidates for state senator, not less than 800 electors.  
19 (c) For candidates for representative to the assembly, not less than 400 electors.

20 **SECTION 113.** 11.50 (5) of the statutes is amended to read:

21 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the  
22 disbursements of grants under sub. (9) (a) to the campaign depository account of each  
23 eligible candidate under subs. (3) and (4) by the end of the 3rd business day following  
24 notice from the board under s. 7.08 (2) (c) or (cm). If an eligible candidate notifies the  
25 state treasurer of the information required to make electronic transfers to the

1 candidate's campaign depository account, the state treasurer shall transfer to the  
2 candidate any supplemental grants under sub. (9) (b), (ba), or (bb) for which the  
3 candidate qualifies immediately following notice from the board under s. 7.08 (2) (c)  
4 or (cm). Eligible candidates for governor and lieutenant governor of the same  
5 political party may combine accounts if desired.

6 **SECTION 114.** 11.50 (6) of the statutes is amended to read:

7 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each  
8 eligible candidate ~~under subs. (3) and (4)~~ are more than the amount which a  
9 candidate may accept under sub. (9), or more than the amount which a candidate  
10 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

11 **SECTION 115.** 11.50 (9) (title) of the statutes is amended to read:

12 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

13 **SECTION 116.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended  
14 to read:

15 11.50 (9) (a) The ~~Except as provided in this paragraph and pars. (b), (ba), and~~  
16 ~~(bb) the~~ total grant available to an eligible candidate may not exceed an amount  
17 equal to the lesser of 45% of the disbursement level specified for the office that the  
18 candidate seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but  
19 without respect to any adjustment under s. 11.31 (1m) or that amount which, when  
20 added to all other contributions accepted from sources other than individuals,  
21 political party committees and legislative campaign committees by the candidate, is  
22 equal to 45% the disbursement level specified for the applicable office that the  
23 candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s.  
24 11.31 (9) but without respect to any adjustment under s. 11.31 (1m). Except as  
25 provided in pars. (b), (ba), and (bb), the total grant available to an eligible candidate



1 who qualifies for a grant for primary campaign expenses under sub. (4m) may not  
2 exceed an amount equal to the lesser of 55% of the disbursement level specified for  
3 the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted  
4 under s. 11.31 (9), but without respect to any adjustment under s. 11.31 (1m), or that  
5 amount which, when added to all other contributions accepted by the candidate, is  
6 equal to the disbursement level specified for the office that the candidate seeks, as  
7 determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to  
8 any adjustment under s. 11.31 (1m). The board shall scrutinize accounts and reports  
9 and records kept under this chapter to assure that applicable limitations under ss.  
10 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or  
11 campaign treasurer may accept grants exceeding the amount authorized by this  
12 subsection.

13 **SECTION 117.** 11.50 (9) (b), (ba) and (bb) of the statutes are created to read:

14 11.50 (9) (b) If an eligible candidate at a primary or election, or both, who  
15 accepts a grant is opposed by one or more candidates whose names are certified under  
16 s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that primary or election, and  
17 if a committee identified under s. 11.05 (3) (c) makes any disbursement for the  
18 purpose of opposing the election of the eligible candidate who accepts a grant or for  
19 the purpose of supporting a certified opponent of that candidate without cooperation  
20 or consultation with any certified opposing candidate or such a candidate's agent or  
21 authorized committee, and not in concert with, or at the request or suggestion of, any  
22 certified opposing candidate's agent or authorized committee, then the board shall  
23 make an additional grant to the eligible candidate who accepts a grant in an amount  
24 equal to the total amount or value of disbursements made for the purpose of  
25 supporting the election of the certified opposing candidate or for the purpose of

1 opposing the election of the eligible candidate who accepts the grant, exceeding 10%  
2 of the disbursement limitation for the office that the eligible candidate seeks as  
3 reported by committees under s. 11.12 (6) (c).

4 (ba) If an eligible candidate at a primary or election, or both, who accepts a  
5 grant is opposed by one or more candidates who are required, or whose personal  
6 campaign committees are required, to file a report under s. 11.12 (8), then the board  
7 shall make an additional grant to the eligible candidate who accepts a grant in an  
8 amount equal to the total amount or value of disbursements made by the opposing  
9 candidate or candidates exceeding the amount specified under s. 11.31 (1) (a) to (de),  
10 (e), or (f) for the office which the candidate seeks, as reported by the opposing  
11 candidate under s. 11.12 (8).

12 (bb) When the sum of the aggregate independent expenditures made against  
13 an eligible candidate, and the independent expenditures made for that candidate's  
14 opponent, as reported under sub. (1), exceed 20% of the amount determined under  
15 par. (a) for the office that the eligible candidate seeks in the primary and election for  
16 which the expenditures are made, the board shall make an additional grant to the  
17 eligible candidate. The amount of the additional grant shall equal the total of such  
18 independent expenditures made.

19 **SECTION 118.** 11.50 (11) (a) of the statutes is amended to read:

20 11.50 (11) (a) ~~No~~ Except as authorized for candidates who are awarded grants  
21 under sub. (4m), no grant may be utilized in any primary.

22 **SECTION 119.** 11.50 (11) (e) of the statutes is amended to read:

23 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur  
24 any obligation to expend any grant if he or she violates the pledge required under

1 sub. (2) (a) as a precondition to receipt of a grant, ~~except as authorized in sub. (2) (h)~~  
2 ~~or (i).~~

3 **SECTION 120.** 11.50 (14) of the statutes is created to read:

4 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each  
5 even-numbered year, the board shall certify to the secretary of revenue:

6 1. No later than July 1, the name of each political party that qualifies under  
7 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose  
8 state chairperson has filed a request to establish an account for the party under sub.  
9 (2s) (a).

10 2. No later than December 15, the name of each political party that qualifies  
11 under sub. (1) (am) 2. as an eligible political party as of the date of the preceding  
12 general election.

13 (b) As soon as possible after receiving a valid application from an eligible  
14 candidate under sub. (2) (a) and determining that the candidate is eligible to receive  
15 a grant, the board shall certify to the secretary of revenue the full name of that  
16 candidate as the name appears on the candidate's nomination papers.

17 (c) In each certification under this subsection, the board shall specify the  
18 expiration date of the certification.

19 **SECTION 121.** 11.60 (4) of the statutes is amended to read:

20 11.60 (4) Actions under this section arising out of an election for state office or  
21 a statewide referendum may be brought by the board or by the district attorney of  
22 the county where the violation is alleged to have occurred, except as specified in s.  
23 11.38. Actions under this section arising out of an election for local office or local  
24 referendum may be brought by the district attorney of the county where the violation  
25 is alleged to have occurred. Actions under this section arising out of an election for

1 county office or a county referendum may be brought by the county board of election  
2 commissioners of the county wherein the violation is alleged to have occurred. In  
3 addition, whenever a candidate or personal campaign committee or agent of a  
4 candidate is alleged to have violated this chapter, action may be brought by the  
5 district attorney of any county any part of which is contained within the jurisdiction  
6 or district in which the candidate seeks election. If a violation concerns a district  
7 attorney or circuit judge or candidate for such offices, the action shall be brought by  
8 the attorney general. If a violation concerns the attorney general or a candidate for  
9 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit  
10 in behalf of the state. The counsel shall be independent of the attorney general and  
11 need not be a state employe at the time of appointment.

12 **SECTION 122.** 11.61 (1) (a) of the statutes is amended to read:

13 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) or (2r), 11.07  
14 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 (1) may be fined not more than \$10,000  
15 or imprisoned for not more than 4 years and 6 months or both.

16 **SECTION 123.** 12.05 of the statutes is amended to read:

17 **12.05 False representations affecting elections.** No person may  
18 knowingly make or publish, or cause to be made or published, a false representation  
19 pertaining to a candidate or referendum ~~which~~ that is intended or tends to affect  
20 voting at an election. This section does not apply to any information reported by a  
21 person making an independent expenditure, as defined in s. 11.001 (11m), under s.  
22 11.065 (2).

23 **SECTION 124.** 13.625 (3m) of the statutes is created to read:

24 13.625 (3m) No elective state official and no personal campaign committee of  
25 an elective state official may solicit a lobbyist or principal to arrange for another

1 person to make a campaign contribution to that official or personal campaign  
2 committee or to another elective state official or the personal campaign committee  
3 of that official.

4 **SECTION 125.** 20.510 (1) (q) of the statutes is amended to read:

5 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing  
6 appropriation, from the Wisconsin election campaign fund, the moneys determined  
7 under s. 11.50 to provide for payments to eligible candidates whose names are  
8 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as  
9 authorized under s. 11.50 (2m).

10 **SECTION 126.** 20.855 (4) (ba) of the statutes is created to read:

11 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient  
12 equal to the amounts required to make full payment of grants which candidates  
13 qualify to receive from the Wisconsin election campaign fund, to be transferred from  
14 the general fund to the Wisconsin election campaign fund no later than the time  
15 required to make payments of grants under s. 11.50 (5).

16 **SECTION 127.** 25.42 of the statutes is amended to read:

17 **25.42 Wisconsin election campaign fund.** All moneys appropriated under  
18 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),  
19 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting  
20 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.  
21 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the  
22 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall  
23 continue to accumulate indefinitely.

24 **SECTION 128.** 71.10 (3) (a) of the statutes is amended to read:

1           71.10 (3) (a) Every individual filing an income tax return who has a tax liability  
2 or is entitled to a tax refund may designate \$1 ~~\$5~~ for transfer to the Wisconsin  
3 election campaign fund for the use of eligible candidates under s. 11.50. If the  
4 individuals filing a joint return have a tax liability or are entitled to a tax refund,  
5 each individual may make a designation of \$1 ~~\$5~~ under this subsection. Each  
6 individual making a designation shall indicate whether the amount designated by  
7 that individual shall be placed in the general account for the use of all eligible  
8 candidates for state office, or in the account of an eligible political party whose name  
9 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not  
10 indicate that the amount of his or her designation shall be placed in the account of  
11 a particular eligible political party, that amount shall be placed in the general  
12 account.

13           **SECTION 129.** 71.10 (3) (b) of the statutes is amended to read:

14           71.10 (3) (b) The secretary of revenue shall provide a place for these  
15 designations under par. (a) on the face of the individual income tax return and shall  
16 provide next to that place a statement that a designation will not increase tax  
17 liability. Annually on August 15 The secretary shall also provide and highlight a  
18 place in the instructions that accompany the return for any information submitted  
19 to the secretary by the elections board under s. 11.50 (2m) without cost to the board.  
20 No later than the 15th day of each month, the secretary of revenue shall certify to  
21 the elections board, the department of administration and the state treasurer under  
22 s. 11.50 the total amount of designations made on returns processed by the  
23 department of revenue during the preceding fiscal year month and the amount of  
24 designations made during that month for the general account and for the account of  
25 each eligible political party. If any individual attempts to place any condition or

1 restriction upon a designation not authorized under par. (a), that individual is  
2 deemed not to have made a designation on his or her tax return.

3 **SECTION 130.** 806.04 (11m) of the statutes is created to read:

4 806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to  
5 publish, disseminate, or broadcast, or causes to be published, disseminated, or  
6 broadcast, any communication may commence a proceeding under this section to  
7 determine the application to that person of a registration requirement under s. 11.05  
8 (1), (2), or (2g).

9 **SECTION 131. Nonstatutory provisions.**

10 (1) NONSEVERABILITY.

11 (a) Notwithstanding section 990.01 (11) of the statutes, if a court finds that all  
12 or any portion of section 11.01 (4m) or (11m), 11.065, or 11.50 (9) (bb) of the statutes,  
13 as created by this act, or section 11.27 (1) or 12.05 of the statutes, as affected by this  
14 act, is unconstitutional, then sections 11.01 (4m) and (11m), 11.065, and 11.50 (9) (bb)  
15 of the statutes, as created by this act, and the treatment of sections 11.27 (1) and  
16 12.05 of the statutes by this act are void in their entirety.

17 (b) Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
18 any part of section 11.12 (8) or 11.50 (9) (ba) of the statutes, as created by this act,  
19 is unconstitutional, this entire act is void.

20 **SECTION 132. Appropriation changes; elections board.**

21 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
22 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the  
23 acts of 2001, the dollar amount is increased by \$76,100 for fiscal year 2001-02 and  
24 the dollar amount is increased by \$85,100 for fiscal year 2002-03 to increase the  
25 authorized FTE positions for the elections board by 1.0 GPR campaign finance

1 investigator position and 1.0 GPR auditor position and to fund supporting expenses  
2 for these positions.

3 **SECTION 133. Initial applicability.**

4 (1) Except as provided in subsections (2) and (3), this act first applies to  
5 elections held on the day after publication.

6 (2) The treatment of section 71.10 (3) (a) of the statutes first applies to claims  
7 filed for taxable years beginning on January 1 of the year in which this subsection  
8 takes effect, except that if this subsection takes effect after July 31 the treatment  
9 first applies to claims filed for taxable years beginning on January 1 of the year  
10 following the year in which this subsection takes effect.

11 (3) The treatment of section 11.31 (9) of the statutes first applies to adjustments  
12 for the biennium beginning on January 1, 2004.

13 (END)