



2003 ASSEMBLY BILL 852

February 19, 2004 – Introduced by Representative BLACK. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to repeal* 11.01 (5m), 11.05 (9) (b), 11.06 (1) (dm), 11.06 (11), 11.24 (1m)
2 and 11.26 (12m); *to renumber* 11.05 (9) (a); *to amend* 11.05 (3) (n) and 11.38
3 (1) (a) 3.; *to repeal and recreate* 11.05 (9) (title), 11.12 (6) (am), 11.12 (6) (c),
4 11.26 (8n) (a) and 11.50 (2) (b) 5. of the statutes; and *to affect* 2001 Wisconsin
5 Act 109, section 9115 (2y) (b) and 2001 Wisconsin Act 109, section 9415 (1zx);
6 **relating to:** treatment of contributions of money made by individuals or
7 organizations acting as conduits.

Analysis by the Legislative Reference Bureau

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount transferred and the individual to whom or the organization to which the transfer is made, the contribution is considered to be made by the original contributor for purposes of reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a “conduit” under the law. In most cases, a conduit is required to register and file campaign finance reports unless the conduit does not transfer any contributions to candidates or to personal campaign, legislative campaign, or political party committees.

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This bill treats a contribution of money transferred by a conduit as a contribution from the conduit rather than from the individual contributor for purposes of reporting by the ultimate recipient and for purposes of determining contribution limitations and qualifying contributions for public grants. Thus, under this bill, a contribution of money that is transferred by a conduit that is a committee is included within the overall limitation on contributions that a candidate may derive from public grants and from contributions received from committees. In addition, these contributions may not be used to qualify for a public grant.

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

1 **SECTION 1.** 11.01 (5m) of the statutes is repealed.

2 **SECTION 2.** 11.05 (3) (n) of the statutes is amended to read:

3 11.05 (3) (n) In the case of a labor organization, or separate segregated fund
4 under s. 11.38 (1) (a) 2. ~~or conduit established by a labor organization~~, a statement
5 as to whether the organization is incorporated, and if so, the date of incorporation
6 and whether or not such incorporation is under ch. 181.

7 **SECTION 3.** 11.05 (9) (title) of the statutes, as affected by 2001 Wisconsin Act
8 109, is repealed and recreated to read:

9 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS.

10 **SECTION 4.** 11.05 (9) (a) of the statutes is renumbered 11.05 (9).

11 **SECTION 5.** 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed.

13 **SECTION 6.** 11.06 (1) (dm) of the statutes, as created by 2001 Wisconsin Act 109,
14 is repealed.

15 **SECTION 7.** 11.06 (11) of the statutes, as affected by 2001 Wisconsin Act 109, is
16 repealed.

17 **SECTION 8.** 11.12 (6) (am) of the statutes, as created by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

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1 11.12 (6) (am) If any committee identified under s. 11.05 (3) (c) as a special
2 interest committee incurs one or more obligations or makes one or more
3 disbursements in an amount exceeding \$250 cumulatively for the purpose of making
4 a communication advocating the election or defeat of a clearly identified candidate
5 for a state office specified in s. 11.31 (1) (a) to (de), (e), or (f) at a general, special, or
6 spring election, or any such candidate who seeks a nomination for such an office at
7 a primary election, or for the purpose of making a communication described in s.
8 11.01 (16) (a) 3., during the period beginning on the 60th day preceding the applicable
9 general, special, or spring election and ending on the date of that election, without
10 cooperation or consultation with a candidate or agent or authorized committee of a
11 candidate who is supported or whose opponent is opposed, and not in concert with
12 or at the request or suggestion of such a candidate, agent, or committee, the
13 committee shall, within 24 hours after incurring the obligation or making the
14 disbursement, file a report with the board, with each candidate whose name is
15 certified to appear on the ballot for the office in connection with which the obligation
16 is incurred or disbursement is made, and the political party under whose name each
17 such candidate appears on the ballot, if any, on a form prescribed by the board for this
18 purpose. The form shall provide a place for reporting obligations separately from
19 disbursements. The report shall be filed by electronic mail or facsimile transmission.
20 The report shall include the information required under s. 11.06 (1) and shall be
21 made in such manner as the board may prescribe. For purposes of this paragraph,
22 obligations and disbursements cumulate beginning with the 60th day preceding the
23 applicable general, special, or spring election and ending with the day before that
24 election and disbursements made for the purpose of payment of obligations that were
25 previously reported are not included in determining the cumulative amount of

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1 disbursements. Within 24 hours after receiving a report under this paragraph, the
2 board shall notify each candidate whose name is certified to appear on the ballot for
3 the office in connection with which the reported disbursement is made. The board
4 shall provide this notification by electronic mail, facsimile transmission, telephone,
5 or posting on the Internet.

6 **SECTION 9.** 11.12 (6) (c) of the statutes, as created by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 11.12 (6) (c) No committee identified under s. 11.05 (3) (c) as a special interest
9 committee may make any disbursement or incur any obligation to which this
10 paragraph applies unless the committee has filed a report under this paragraph
11 concerning that disbursement or obligation. This paragraph applies only to
12 disbursements made or obligations incurred for the purpose of making a
13 communication during the period beginning on the 30th day preceding a general,
14 special, or spring election and ending on the date of that election advocating the
15 election or defeat of a clearly identified candidate for a state office specified in s. 11.31
16 (1) (a) to (de), (e), or (f) at that election, or any such candidate who seeks a nomination
17 for such an office at a primary election, or for the purpose of making a communication
18 described in s. 11.01 (16) (a) 3., without cooperation or consultation with a candidate
19 or agent or authorized committee of a candidate who is supported or whose opponent
20 is opposed, and not in concert with or at the request or suggestion of such a candidate,
21 agent, or committee. Each report required under this paragraph shall be filed with
22 the board, with each candidate whose name is certified to appear on the ballot for the
23 office in connection with which the communication is to be made, and the political
24 party under whose name each such candidate appears on the ballot, if any, on a form
25 prescribed by the board for this purpose. The report shall be filed by electronic mail

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1 or facsimile transmission no later than the 31st day preceding the general, special,
2 or spring election to which the report relates. Each report shall indicate the name
3 of each candidate who will be supported or whose opponent will be opposed and the
4 total disbursements to be made and obligations incurred for such a purpose with
5 regard to that candidate during the period covered by the report. Within 24 hours
6 after receiving a report, the board shall notify each candidate whose name is certified
7 to appear on the ballot for the office in connection with which the communication is
8 to be made of the report. The board shall provide this notification by electronic mail,
9 facsimile transmission, telephone, or posting on the Internet.

10 **SECTION 10.** 11.24 (1m) of the statutes is repealed.

11 **SECTION 11.** 11.26 (8n) (a) of the statutes, as created by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.26 (8n) (a) Subject to sub. (10a), a political party, as defined in s. 5.02 (13),
14 may receive and accept for use under par. (b) up to a total of \$450,000 in value of
15 contributions in any biennium made or transferred to the party by all other
16 individuals and committees combined, excluding transfers between party
17 committees of the same party. Subsection (8) does not apply to contributions received
18 and accepted under this paragraph. In this paragraph, "biennium" has the meaning
19 given in sub. (8) (a).

20 **SECTION 12.** 11.26 (12m) of the statutes is repealed.

21 **SECTION 13.** 11.38 (1) (a) 3. of the statutes is amended to read:

22 11.38 (1) (a) 3. No corporation or association specified in subd. 1. may expend
23 more than a combined total of \$500 annually for solicitation of contributions to a fund
24 established under subd. 2. ~~or to a conduit.~~

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1 **SECTION 14.** 11.50 (2) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
2 109, is repealed and recreated to read:

3 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
4 5. The financial reports filed by or on behalf of the candidate as of the date of the
5 spring or September primary, or the date that the special primary is or would be held,
6 if required, indicate that the candidate has received an amount equal to at least the
7 amount provided in this subdivision, from contributions of money, other than loans,
8 made by individuals who reside in this state and, in the case of a candidate for
9 legislative office, by individuals at least 45% of whom reside in a county having
10 territory within the district in which the candidate seeks office, which contributions
11 have been received during the period ending on the date of the spring primary and
12 July 1 preceding such date in the case of candidates at the spring election, or the date
13 of the September primary and January 1 preceding such date in the case of
14 candidates at the general election, or the date that a special primary will or would
15 be held, if required, and 90 days preceding such date or the date a special election
16 is ordered, whichever is earlier, in the case of candidates at a special election, which
17 contributions are in the aggregate amount of \$100 or less, and which contributions
18 are fully identified and itemized as to the exact source thereof. Only the first \$100
19 of an aggregate contribution of more than \$100 may be counted toward the required
20 percentage. For a candidate at the spring or general election for an office identified
21 in s. 11.26 (1) (a) or a candidate at a special election, the required amount to qualify
22 for a grant is 5% of the applicable authorized disbursement limitation, as determined
23 under s. 11.31 (1) and adjusted as provided under s. 11.31 (9). For any other
24 candidate at the general election, the required amount to qualify for a grant is 6%

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1 of the applicable authorized disbursement limitation, as determined under s. 11.31
2 (1) and adjusted as provided under s. 11.31 (9); and

3 **SECTION 15.** 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:

4 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section
5 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections
6 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the
7 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,
8 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),
9 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and
10 71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c),
11 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05
12 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),
13 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m)
14 (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3),
15 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b),
16 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
17 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.),
18 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10),
19 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31
20 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a),
21 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2)
22 (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60
23 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08
24 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05
25 ~~(9) (title) and section~~ 11.50 (4) of the statutes, the creation of sections 11.001 (2m),

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1 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05
2 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), ~~11.06 (11) (bm)~~, 11.12
3 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am),
4 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26
5 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m),
6 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1.
7 (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50
8 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m),
9 (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b),
10 19.59 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and
11 806.04 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v),
12 9244 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the
13 treatment of those provisions by this act is void.

14 **SECTION 16.** 2001 Wisconsin Act 109, section 9415 (1zx) is amended to read:

15 [2001 Wisconsin Act 109] Section 9415 (1zx) CAMPAIGN FINANCE AND RELATED
16 CHANGES. The repeal of sections 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50
17 (10) of the statutes, the renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50
18 (1) (a) 1. of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05
19 (2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9),
20 19.49 (5), and 19.59 (7) of the statutes, the amendment of sections 5.02 (13), 5.05 (2),
21 7.08 (2) (c), 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05
22 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e),
23 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b),
24 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5),
25 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a)

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1 and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),
2 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26
3 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9)
4 (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)
5 (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8)
6 (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50
7 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m),
8 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510
9 (1) (q), and 25.42 of the statutes, the repeal and recreation of sections ~~11.05 (9) (title)~~
10 ~~and section~~ 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m),
11 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.01 (17g) and (17r), 11.05 (1) (b), 11.05
12 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) ~~and (dm)~~, 11.06 (2m) (b) to (d), ~~11.06~~
13 ~~(11) (bm)~~, 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t),
14 11.20 (8) (am), 11.21 (17), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae),
15 (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4.,
16 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31
17 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and
18 (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50
19 (14), 11.60 (3r), 19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535,
20 19.59 (1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn), and 806.04 (11m) of the statutes
21 and SECTIONS 9115 (2v) and (2w) and 9315 (2v) and (2w) of this act take effect on July
22 1, 2003.

23 **SECTION 17. Effective dates.** This act takes effect on the day after publication,
24 except as follows:

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1 (1) The treatment of sections 11.12 (6) (am) and (c), 11.26 (8n) (a), and 11.50 (2)

2 (b) 5. of the statutes takes effect on July 1, 2003.

3 **(END)**