



# TODD NOVAK

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STATE REPRESENTATIVE • 51<sup>ST</sup> ASSEMBLY DISTRICT

P.O. Box 8953

Madison, WI 53708-8953

DATE: Tuesday, January 9<sup>th</sup>, 2024

RE: Testimony on Assembly Bill 760

TO: Assembly Committee on Campaigns and Elections

FROM: State Representative Todd Novak

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Thank you Chairman Krug and members of the Assembly Committee on Campaigns and Elections for holding this public hearing on Assembly Bill 760 (AB 760), relating to recommendations from the Ethics Commission regarding campaign finance, lobbying, open records, and closed sessions.

I authored this bill with Senator Knodl after meeting with officials at the Wisconsin Ethics Commission earlier this session. During the meeting, we were presented with recommendations that were voted on and approved by the Ethics Commission to submit to the Legislature to implement these changes into state statute.

Some of their recommendations are issues that state statutes currently do not address, while others provide clarity to the Commission on how to properly administer the laws as needed.

AB 760 addresses the concerns raised by the Commission by: modernizing statutes relating to campaign finance contact information; termination of non-compliant and dormant campaign committees; clarifying the creation and maintenance of a second campaign committee; providing guidance regarding transfers of contributions between the two committees; and disposal of residual conduit funds.

The bill also clarifies the due date of the 72-Hour Report for Express Advocacy Disbursements, clarifies that conduits are required to pay filing fees, clarifies how the lobbying contributions window works during special elections, and clarifies the open records and open meetings law relating to the Ethics Commission.

AB 760 was drafted in collaboration with Ethics Commission and seeks to provide the clarity necessary for the Commission to continue operating efficiently and with certainty under state law.

2024 is a major election year in the State of Wisconsin. It is imperative that state agencies tasked with administering election and campaign finance laws have clarity and tools they need to effectively administer state law.

Thank you for your consideration of AB 760.



WISCONSIN STATE SENATE

**DAN KNODL**

STATE SENATOR • 8<sup>TH</sup> DISTRICT

**Assembly Bill 760**

Public Testimony

Assembly Committee on Transportation

January 9, 2024

Thank you, Chairman Krug and members of the committee for holding this hearing on Assembly Bill 760.

As we move into the 2024 election year, this proposed legislation addresses areas identified by the Ethics Commission as requiring clarification so they can administer our laws effectively. To that end, it is critical that our election and campaign finance laws be as unambiguous as possible.

Among these changes set forth are:

- Protecting the personal telephone numbers provided on the registration statements for candidates and their committees' treasurers
- Clarifying the termination of dormant campaign committees
- Setting forth the proper methods for transferring funds between two campaign committees for the same individual
- Addressing the procedure governing the disposition of remaining funds upon the termination of a conduit
- More clearly establishing the due date for 72-hour reports for express advocacy
- Applying filing fees to conduit accounts
- Spelling out how lobbying contributions work during special elections
- Updating open records and open meetings laws at the Ethics Commission

I applaud Dan Carleton and his colleagues on identifying areas where new and improved statutes can help the Ethics Commission fulfill its mission to "promote and strengthen the faith and confidence of the people of Wisconsin in their government." He is here today and will be able to provide further explanation for the details of this bill.

I am also happy to report that this bill has bipartisan co-sponsorship. Thank you for your consideration of this bill, and we would be happy to answer any of your questions.



TO: Assembly Committee on Campaigns & Elections Membership

FROM: Association of Wisconsin Lobbyists

DATE: January 9, 2024

RE: **AWL Opposition to AB 760**

On January 5, the AWL Board voted to oppose [Assembly Bill 760](#) in its current form. AB 760 was introduced at the recommendation of the WI Ethics Commission to make changes to laws that it administers. The AWL identified Section 36 relating to “disposal of residual funds by a terminating conduit” objectionable and in need of amendment. AWL anticipates maintaining its opposition until Section 36 is amended to afford registered principals/sponsoring organizations additional legal options to receive residual conduit funds of a terminating conduit; by specifically, including “sponsoring organization” as a possible recipient of remaining funds of the terminating conduit within Section 36.

The primary reasoning behind the AWL objection to Section 36 is the current language is restrictive. As a result, it would create inconsistencies between current law on remedying stale conduit funds and the disposal of untraceable conduit funds for a terminating conduit. The proposed legislation does NOT take into consideration the changes AWL successfully passed into law found in [2015 Wisconsin Act 117](#). Furthermore, the recommended legislative change does NOT consider the intent and usage of conduit funds as an affiliated entity of the conduit’s sponsoring organization.

**REQUESTED AMENDMENT**—create language to include “sponsoring organization” in Section 36.

AWL flagged Sections 53-56 as confusing and a perceived expansion of regulatory oversight that is unnecessary given the commission’s current investigation and audit authority. We are recommending that these sections be removed entirely or more adequately explained.

**REQUESTED AMENDMENT**—consider removal of Sections 53-56.

We appreciate the Assembly Campaigns & Elections Committee members considering our requested amendments as fair and reasonable given the direct impacts that would result from passage of this legislation.

Thank you for your consideration of AWL’s position on AB 760.



January 9, 2024

Testimony of Nick Ramos

Executive Director, Wisconsin Democracy Campaign

Public Hearing Before the State Assembly Committee on Campaigns and Elections

**For information only: AB 760**

**In support to: AB 664, AB 599**

Mister Chairmen and other distinguished members of the Committee,

My name is Nick Ramos and I am the proud executive director of the Wisconsin Democracy Campaign, which since 1995, has been tracking and exposing the money in Wisconsin politics and advocating for a full range of pro-democracy reforms.

On behalf of the Wisconsin Democracy Campaign, I would like to discuss AB 760, AB 664, and AB 599.

In regard to **AB 760**, the Democracy Campaign does not have a position on this bill. We would like the opportunity to provide a few notes to this committee for your consideration.

The open record section of this bill is a good step toward more transparency, making the process of investigating violations more open.

When it comes to campaign finance reform, we need to require employer information once again on campaign finance reports at a minimum.

Campaign finance laws were changed in 2015 and no longer require candidates to make that contributor information available to the public.

Employer data about contributors to legislative and statewide candidates is important because it shows the public the special interests that are supporting and influencing candidates.

This law is the heart and soul of campaign finance disclosure. It allows citizens to see the financial interests of big campaign donors. A factually informed voter is an admirable goal.

In regard to **AB 664**, the Democracy Campaign strongly supports this piece of legislation.



# Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics  
101 East Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53707-7125  
(608) 266-8123 | [ethics@wi.gov](mailto:ethics@wi.gov) | <https://ethics.wi.gov>

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## MEMORANDUM

To: Members of the Assembly Committee on Campaigns and Elections  
From: Daniel A. Carlton, Jr., Administrator  
Date: January 9, 2024

Re: Legislative Testimony on AB 760

Dear Chair Krug and Members of the Committee:

Thank you for conducting a public hearing today on Assembly Bill 760. I would also like to thank Representative Novak and Senator Knodl for introducing this bill for the Wisconsin Ethics Commission. As you noted from the title, this bill contains the Commission's legislative recommendations for this session. Before addressing the substance of these recommendations, it is important for you to know that these recommendations come from the Commission's experience administering Wisconsin's campaign finance laws, lobbying laws, and ethics laws. The Commission unanimously adopted each of the recommendations contained in the bill. Further, Commission staff worked with the LRB to prepare draft language in bill form. Aside from minor technical changes, the language in the bill before you is identical to that that the Commission unanimously approved.

Second, it is also important for you to know that the Commission strives to administer the laws exactly as written. The Commission is extremely mindful of the fact that it is the Legislature, not the Commission, that is responsible for making policy decisions regarding the laws in its jurisdiction. When it makes recommendations, the Commission's intent is to always have a product that will receive bipartisan support. To that end, the Commission's recommendations in this bill are intended to address technical and administrative issues with the statutes. In most cases, they are intended to clarify the statutes so that the regulated communities and the public can be confident the Commission is administering the laws as the Legislature intended. We look forward to your consideration and bipartisan support of this legislation.

First, I would like to briefly comment on some of the campaign finance recommendations. The first problem the bill seeks to fix is untimely 72-hour reports. Currently, the statute requires a 72-hour report within 72 hours after certain disbursements are made. Unfortunately, there are circumstances where practices negate the intent of this provision. One example is that some vendors are not billing until after the election has happened. Since the statute requires the report within 72-hours of the disbursement being made, this practice thwarts timely public disclosure of express advocacy. Another of the problems the bill seeks to address is "zombie committees." Unfortunately, there are many candidates that disappear without terminating. The bill addresses the zombie committee problem by requiring personal contact information, which is exempt from public record, and allowing the Commission to suspend or terminate committees in certain circumstances. Finally, the bill provides conduits another option to dispose of residual funds prior to termination. All registrants must have a \$0 balance to terminate. In some cases, a conduit that wants to terminate cannot identify the source of funds or cannot contact the original contributor. The conduit correctly feels that it should not be able to benefit from the circumstances leading to it having funds from an unidentifiable source. The law currently only allows for redirection and then only under certain

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*Wisconsin Ethics Commissioners*

Carousel Bayrd | Gerald Ptacek | Pat Strachota | Maryann Sumi | Timothy Van Akkeren | Andrew Weininger

*Administrator*

Daniel A. Carlton, Jr.

would have more reliable contact information, could more efficiently contact committees, and would have a basis for enforcement for failing to keep this information up to date. As will be discussed in the next recommendation, it is not unusual for committees to disappear while having unresolved potential violations. This will reduce the number of times that occurs.

## 2. Administrative Termination or Suspension of Inactive or Non-compliant Committees

Under the current version of Wisconsin's campaign finance laws, all registrants continue to exist in perpetuity until such time as the registrant chooses to request termination. Generally, this approach is good in that candidates and other registrants are not required to renew or re-register on a periodic basis. It eliminates the potentially unnecessary hurdle that incumbents re-register every year while they are in office.

While convenient for the committee, there are significant issues created by this system. There are a number of committees that have, for all intents and purposes, disappeared without termination. The easiest illustration of this point is the number of exempt committees that have not had any activity within CFIS for a long time. There are currently 1,762 committees that are exempt from filing reports. Approximately 450 of these have no "Amended Date" in CFIS. This means that they most likely have been exempt since before CFIS was created in 2008. Of the remaining approximately 1,312 exempt registrants, there are about 389 registrants that became exempt in 2020 or later. Of the current committees that are exempt, 1,373 have been exempt for more than three years. This means the Commission has likely had no communication with them for more than three years. Many of the individuals who created these committees have likely forgotten about these committees or mistakenly believe that they are terminated. Further, it would be surprising if many even knew their login and password. Keeping these exempt committees in CFIS also creates a distorted picture of who may be involved in campaign activities in Wisconsin. There should be a mechanism to terminate these stale committees.

Additionally, there are non-compliant registrants. While many of them respond and get into compliance, there are a number that do not. The most frequent scenario where this occurs is when a candidate runs for office and loses. Once they lose, it is not unusual for them to close the post office box they used for the campaign and then shut down or ignore their email account and website. During this time, the committee fails to file required reports. As a result, violations with significant penalties continue to accrue with virtually no way to get the committee back in compliance. The delinquent filers list that is published on the Commission's website is not sufficient to obtain compliance.

To address these issues, the Commission recommends that the Legislature create a statutory mechanism allowing the Commission to terminate any committee that has been exempt for more than 3 years. It also recommends allowing the Commission to suspend any committee that fails to respond to notices after three attempts to notify the committee (with the last notice being sent by certified mail to the last address on file). This suspension would include locking the committee out of their account until they contact the Commission and

get in compliance. The Commission also recommends that the Legislature toll the statute of limitations for violations by these non-responsive committees.

### 3. Disposal of Residual Conduit Funds

Recently, the Commission has considered several questions concerning conduits who were trying to terminate but were unable to identify the source of some of the remaining funds in the conduit account. The only provision that lets a conduit do anything with money where it is not directed to do so by the contributor is WIS. STAT. § 11.0705. That provision allows redirection only under certain circumstances. If it is unable to identify the contributor, the conduit cannot possibly attempt to contact the contributor for consent to redirect the money to the sponsor. It also cannot identify a surviving spouse or executor for their consent. WIS. STAT. 11.1302 allows any committee to donate to a charitable organization or the common school fund. However, a conduit is not a committee under the definition in WIS. STAT. § 11.0101(6). So, it cannot do so. This makes sense as, generally, contributors would only want to either give their money to a candidate or committee or get it back from the conduit. However, if after a good faith effort, the conduit cannot identify the source of money leftover when it terminates, it must have a mechanism to dispose of that money; otherwise, the conduit will not be able to terminate. The Commission recommends that the Legislature authorize a conduit that is terminating to dispose of money by giving it to the common school fund or a charitable organization that does not have any nexus to the conduit when it cannot identify the source of excess funds or cannot locate them for redirection as provided in law.

### 4. Due Date for 72-Hour Report for Express Advocacy Disbursements

A political action committee, independent expenditure committee, or an “Other Person” that spends more than \$2,500 on express advocacy in the aggregate during the 60-days before an election is required to file a “72-Hour Report.” This report is appropriately named because the due date is within 72 hours of the disbursement(s) being made. In addition to the usual information required, such as the name and address of the vendor, the group must name the candidate identified in the communication and specify whether the group opposes or supports the candidate.

Under the current language of the statute, the report is due within 72 hours of the vendor’s bill being paid. The Commission has learned of certain circumstances that thwart the intent of the statute. First, a political action committee, independent expenditure committee, or an “Other Person” may not reach that threshold until within days of the election. It is possible in those situations that the report may not be due until after the election. Alternatively, some vendors are billing on 30-day cycles. Again, this can result in 72-Hour Reports not being due until after the election. Finally, there are circumstances where communications are planned and paid for before the 60-day window begins but the express advocacy actually occurs during that 60-day window. This activity would not be required to be reported because currently the spending has to occur during the 60-day window to trigger the filing requirement. The purpose of this reporting is to provide contemporaneous reporting for spending on express advocacy during this 60-day window. It appears that,

## 2023 AB 760 Bill Matrix

Legislative Recommendation	Current Law	Proposed Change	Bill Section(s)	Reason
Campaign Finance- Conduit Filing Fee	The statutes currently only require a "committee" to pay the \$100 filing fee.	Require conduits that release contributions totaling more than \$2,500 in a calendar year to pay the filing fee.	Sections 1-3	The old version of Chapter 11 required all non-candidate registrants to pay the filing fee. It's unclear why conduits were not included in the filing fee requirement in the current version. There does not appear to be any reason why conduits should not be required to pay this filing fee as well if they have sufficient activity.
Campaign Finance- Due Date for 72-Hour Reports of Express Advocacy Disbursements	<p>The current statutes generally require PACs, IECs, and "Other Persons" to file a 72-Hour Report if they exceed \$2,500 in aggregate spending on express advocacy during the 60-day period before an election.</p> <p>By statute, this report is due no later than 72 hours after making the disbursement.</p>	<p>Provide that the 72-hour report is due at the earliest of the following:</p> <ul style="list-style-type: none"> <li>• The date the obligation is incurred, if the PAC, IEC, or "Other Person" has the information required to be reported;</li> <li>• The date the express advocacy is shared outside of the PAC, IEC, or "Other Person," or</li> <li>• The date of the disbursement.</li> </ul>	Sections 12-22 (PACs), 24-34 (IECs), and 39-49 ("Other Persons")	The Commission has learned that industry billing practices are inconsistent with the purpose of this statute. Some vendors are not billing these groups for 30 days or longer. When the spending is close to election day, a bill may not be sent until afterwards. Since the law only requires the report to be filed within 72 hours of the disbursement ("payment"), some reports are not received until well after the election.



## 2023 AB 760 Bill Matrix

Legislative Recommendation	Current Law	Proposed Change	Bill Section(s)	Reason
Lobbying- Lobbyist Contribution Window	Currently, the law permits a lobbyist to contribute only during specified periods. One of those periods is from the calling of a special election through the date of the special election.	Limit the reopening of the lobbyist contribution window involving special elections only to special elections for state offices.	Section 52	Because "special election" is not defined in subch. III, Ch. 13, it includes both state and local special elections. Since there are almost always local special elections occurring, the exception swallows the general rule.
Ethics Commission- Complaint-related Public Records	Currently, the law provides that settlements and records containing a finding of no reasonable suspicion, records containing a finding of no probable cause, records of Commission authorization to file civil litigation, and records of the Commission referring matters for prosecution become public.	The Commission recommends making records containing warnings and determinations to take no further action public.	Section 54	The Commission is often asked about the final outcome. Penalties for breach of confidentiality include up to 9 months in jail and up to a \$10,000 fine, so the Commission narrowly construes what complaint-related records are available to the public. This will provide a more complete public disclosure of the outcome of complaints.
Ethics Commission- Audit-related Public Records	Currently, the statutes do not specifically address audit-related confidentiality. The Commission relies on other, general, public records laws. Settlements are publicly available.	The Commission recommends treating audit-related records the same as complaints. They would be confidential until such time as the Commission makes a determination of no reasonable suspicion, no probable cause, orders litigation, refers the matter for prosecution, issues a warning, decides to take no action, or there is a settlement.	Sections 53 and 55	This will provide a clear statutory records policy for audits.

## 2023 AB 760 Bill Matrix

Legislative Recommendation	Current Law	Proposed Change	Bill Section(s)	Reason
Ethics Commission-Closed Session	Currently, the statutes only expressly provide for closed session consideration of requests for advice and deliberating concerning an investigation.	The Commission recommends that the laws should more clearly allow for closed session deliberations of complaints and audits.	Section 56	This will provide clearer statutory guidance concerning these types of deliberations. It will ensure the correct balance between the need for public disclosure and the rights of the accused to fair, confidential consideration of their complaints.



## 2023 ASSEMBLY BILL 760

December 6, 2023 - Introduced by Representatives NOVAK, MELOTIK, CONLEY, GUNDRUM, MURSAU, ORTIZ-VELEZ, PENTERMAN and WICHGERS, cosponsored by Senators KNODL and JAMES. Referred to Committee on Campaigns and Elections.

1       **AN ACT** *to renumber and amend* 11.0202 (2) (d), 11.0505 (3), 11.0605 (3) and  
2       11.1001 (3); *to amend* 11.0102 (2) (a), 11.0102 (2) (b), 11.0505 (1) (a) 1., 11.0505  
3       (1) (a) 2. (intro.), 11.0505 (1) (a) 3., 11.0505 (1) (b) 1., 11.0505 (1) (b) 2., 11.0505  
4       (1) (b) 3., 11.0505 (1) (b) 4., 11.0605 (1) (a) 1., 11.0605 (1) (a) 2. (intro.), 11.0605  
5       (1) (a) 3., 11.0605 (1) (b) 1., 11.0605 (1) (b) 2., 11.0605 (1) (b) 3., 11.0605 (1) (b)  
6       4., 11.1001 (1) (a) 1., 11.1001 (1) (a) 2. (intro.), 11.1001 (1) (a) 3., 11.1001 (1) (b)  
7       1., 11.1001 (1) (b) 2., 11.1001 (1) (b) 3. and 11.1001 (1) (b) 4.; *to repeal and*  
8       *recreate* 11.1114; and *to create* 11.0102 (2) (e), 11.0202 (2) (d) 2., 11.0202 (2)  
9       (d) 3., 11.0202 (2) (d) 4., 11.0203 (1) (bd), 11.0303 (1) (bd), 11.0403 (1) (bd),  
10       11.0503 (1) (bd), 11.0505 (3) (a), 11.0505 (3) (b), 11.0505 (3) (c), 11.0603 (1) (bd),  
11       11.0605 (3) (a), 11.0605 (3) (b), 11.0605 (3) (c), 11.0703 (1) (bd), 11.0706, 11.0803  
12       (1) (bd), 11.0903 (1) (bd), 11.1001 (3) (a), 11.1001 (3) (b), 11.1001 (3) (c), 11.1305,  
13       13.62 (12t), 19.55 (2) (e), 19.55 (3) (e) 5. and 6., 19.55 (5) and 19.851 (3) of the

**ASSEMBLY BILL 760**

1 statutes; **relating to:** recommendations from the Ethics Commission  
2 regarding campaign finance, lobbying, open records, and closed sessions.

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***Analysis by the Legislative Reference Bureau***

This bill implements a number of recommendations from the Ethics Commission (the commission) regarding the operations of the commission and the laws that it administers.

**CAMPAIGN FINANCE*****Registration statement information***

Under current law, a person who files a registration statement with the commission, or with some other appropriate filing officer, to form a committee for campaign finance purposes must include on the registration statement the name and mailing address of the committee, the committee treasurer, and any other custodian of committee books and accounts. This bill also requires that a person include on a committee registration statement the email address and personal telephone number of the committee treasurer and any other custodian of the committee books and records. In addition, a candidate committee is required to provide the candidate's email and personal telephone number. Under the bill, the personal telephone numbers provided on the registration statements are confidential and not subject to inspection and copying as a public record.

***Second candidate committee***

Current law allows, but does not require, an individual who holds a state or local elective office and who seeks a different state or local elective office to form a second candidate committee. Otherwise current law prohibits a candidate from having more than one candidate committee at the same time. For individuals who establish a second candidate committee, as provided under current law, the bill specifies the methods for transferring funds between the two committees, how to report those transfers, and how to dispose of funds remaining when one or both committees terminate.

***Conduit; residual funds***

Under current law, a conduit must also register with the commission. A conduit is an entity that receives a contribution from an individual, deposits that contribution in an account held by the entity, and disburses that contribution to a political committee at the direction of the individual who made the contribution. The bill specifies what the conduit must do with funds remaining in its possession when the conduit terminates. Under current law, the conduit must first make a good faith effort to return remaining funds to the original contributors, their surviving spouses, or the executors of their estates. Under the bill, if the terminating conduit is unsuccessful in contacting the individuals who made the original contributions, their surviving spouses, or the executors of their estates, the conduit may donate those remaining funds to the common school fund or to a charitable organization. However, the conduit may not donate remaining funds to a charitable organization

**ASSEMBLY BILL 760**

that is affiliated with the conduit or a sponsoring organization. Current law defines a sponsoring organization as an entity that establishes, administers, or financially supports a political action committee or an independent expenditure committee.

***Administrative suspension***

Under current law, a committee that does not anticipate accepting or making contributions, making disbursements, or incurring obligations in an aggregate amount exceeding \$2,500 in a calendar year may claim an exemption from filing campaign finance reports by filing a registration statement or an amended registration statement specifying the facts necessary to claim the exemption. The committee must file a statement each year in which it wishes to claim the exemption until such time as the committee files a termination report.

The bill allows a filing agent to terminate any committee that has been exempt from filing campaign finance reports for more than three years. The bill also authorizes the commission to suspend a committee that does not respond to notices and communications sent by the commission.

***Reporting of express advocacy***

Under current law, a political action committee, independent expenditure committee, or a person other than a committee that spends \$2,500 or more on express advocacy for a candidate at an election must report required information to the commission. This information includes the dates on which disbursements were made, the name and address of the persons who received the disbursements, the purpose for making the disbursements, and the amount spent for each act of express advocacy.

The bill clarifies that the reporting requirement applies to express advocacy that will occur during the period beginning 60 days prior to the election and ending on the day of the election. The bill provides that the required information also includes the dates on which obligations were incurred, the name and address of the obligees, the purpose for incurring the obligations, and the amount incurred for each act of express advocacy.

***Conduit filing fee***

Under current law, each conduit that is required to register and report must have and file with the commission required registration statements and reports. The bill provides that each conduit must pay an annual filing fee of \$100 to the commission by January 15 of each year. The bill provides that this requirement does not apply to a conduit in a year in which the conduit does not release contributions totaling more than \$2,500.

**LOBBYING**

Current law allows a lobbyist to make a personal contribution to a partisan elective state official or a candidate for an elective state office between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election. The bill clarifies that the special election must be an election to fill a vacancy in a state office.

**ASSEMBLY BILL 760****OPEN RECORDS**

Current law provides that certain records in the possession of the commission are not open for public inspection. Those records include, with limited exceptions, statements of economic interests filed by members of the investment board and the social security numbers of individuals who apply for a lobbyist license. Under the bill, with certain exceptions, records created in the course of conducting an audit to identify a potential violation of the laws administered by the commission are not open for public inspection. However, the bill allows public inspection of audit records containing a finding that there is no reasonable suspicion or probable cause to believe that a violation of the law occurred or that the commission took no action upon finding such reasonable suspicion or probable cause. The bill also allows public inspection of any audit record of the commission issuing a warning, authorizing the filing of a civil complaint, or referring a matter to a district attorney or other prosecutor for investigation or prosecution.

**CLOSED SESSIONS**

Current law allows a governmental body to meet in closed session for various reasons, including deliberating on a case subject to a judicial hearing, consulting with legal counsel regarding litigation, or considering personnel matters. In addition, current law allows the commission to meet in closed session to consider requests for confidential written advice and for deliberations concerning an investigation of any violation of the law under its jurisdiction. Under the bill, the commission may also meet in closed session to consider whether there is a reasonable suspicion or probable cause to believe that a violation of the law occurred or is occurring based on a complaint or an audit report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

- 1           **SECTION 1.** 11.0102 (2) (a) of the statutes is amended to read:  
2           11.0102 (2) (a) Except as provided in pars. (c) and (d), each conduit or committee  
3           that is required to register and file with the commission under sub. (1) (a) shall  
4           annually pay a filing fee of \$100 to the commission. The commission may accept  
5           payment under this subsection by credit card, debit card, or other electronic payment  
6           mechanism, and may charge a surcharge to that conduit or committee to recover the  
7           actual costs associated with the acceptance of that electronic payment.

**ASSEMBLY BILL 760**

1           **SECTION 2.** 11.0102 (2) (b) of the statutes is amended to read:

2           11.0102 (2) (b) A conduit or committee that is subject to par. (a) shall pay the  
3 fee specified in par. (a) together with the report filed by that conduit or committee  
4 on the 15th day of the month of January in each year. If a conduit or committee that  
5 is subject to par. (a) registers under this chapter or changes status so that par. (a)  
6 becomes applicable to the conduit or committee during a calendar year, the conduit  
7 or committee shall pay the fee for that year with the filing of the conduit's or  
8 committee's registration statement or at any time before the change in status  
9 becomes effective.

10           **SECTION 3.** 11.0102 (2) (e) of the statutes is created to read:

11           11.0102 (2) (e) Paragraph (a) does not apply to a conduit for any year during  
12 which the conduit does not release contributions totaling more than \$2,500.

13           **SECTION 4.** 11.0202 (2) (d) of the statutes is renumbered 11.0202 (2) (d) 1. and  
14 amended to read:

15           11.0202 (2) (d) 1. An individual who holds a state or local elective office and who  
16 becomes a candidate for a different state or local elective office may establish a  
17 second candidate committee under this subchapter for the purpose of pursuing ~~a~~  
18 that different state or local office.

19           **SECTION 5.** 11.0202 (2) (d) 2. of the statutes is created to read:

20           11.0202 (2) (d) 2. If the individual described under subd. 1. wins the election  
21 for which the individual created the second candidate committee, and the individual  
22 is not eligible to continue to hold the first office, the individual shall terminate the  
23 first candidate committee as provided under s. 11.0105 no later than 180 days after  
24 the date the individual is sworn into the office for which the second candidate

**ASSEMBLY BILL 760****SECTION 5**

1 committee was created. Residual funds of the first committee may be transferred as  
2 provided in s. 11.1114 or used or disposed of in any manner allowed by law.

3 **SECTION 6.** 11.0202 (2) (d) 3. of the statutes is created to read:

4 11.0202 (2) (d) 3. If the individual described under subd. 1. wins the election  
5 for which the individual created the second candidate committee, but the individual  
6 is still eligible to hold the first office, the individual shall maintain a committee for  
7 each office until such time as the individual resigns from, or a successor is sworn in  
8 to, the office. If the individual subsequently resigns from either office, or a successor  
9 is sworn into either office, the individual shall terminate the candidate committee  
10 for which the individual no longer holds office as provided under s. 11.0105 no later  
11 than 180 days after the date the individual resigns or a successor is sworn in.  
12 Residual funds of the terminated committee may be transferred as provided in s.  
13 11.1114 or used or disposed of in any manner allowed by law.

14 **SECTION 7.** 11.0202 (2) (d) 4. of the statutes is created to read:

15 11.0202 (2) (d) 4. If the individual described under subd. 1. loses the election  
16 for which the individual created the second candidate committee, the individual  
17 shall terminate the second candidate committee as provided in s. 11.0105 no later  
18 than 180 days after the date the winner of that election takes office. Residual funds  
19 of the second committee may be transferred as provided in s. 11.1114 or used or  
20 disposed of in any manner allowed by law.

21 **SECTION 8.** 11.0203 (1) (bd) of the statutes is created to read:

22 11.0203 (1) (bd) The email address and personal telephone number of the  
23 candidate, the candidate committee treasurer, and any other custodian of books and  
24 accounts. Telephone numbers provided under this paragraph shall be kept



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1 confidential and are not subject to the right of inspection and copying under s. 19.35  
2 (1).

3 **SECTION 9.** 11.0303 (1) (bd) of the statutes is created to read:

4 11.0303 (1) (bd) The email address and personal telephone number of the  
5 treasurer and any other custodian of books and accounts. Telephone numbers  
6 provided under this paragraph shall be kept confidential and are not subject to the  
7 right of inspection and copying under s. 19.35 (1).

8 **SECTION 10.** 11.0403 (1) (bd) of the statutes is created to read:

9 11.0403 (1) (bd) The email address and personal telephone number of the  
10 treasurer and any other custodian of books and accounts. Telephone numbers  
11 provided under this paragraph shall be kept confidential and are not subject to the  
12 right of inspection and copying under s. 19.35 (1).

13 **SECTION 11.** 11.0503 (1) (bd) of the statutes is created to read:

14 11.0503 (1) (bd) The email address and personal telephone number of the  
15 treasurer and any other custodian of books and accounts. Telephone numbers  
16 provided under this paragraph shall be kept confidential and are not subject to the  
17 right of inspection and copying under s. 19.35 (1).

18 **SECTION 12.** 11.0505 (1) (a) 1. of the statutes is amended to read:

19 11.0505 (1) (a) 1. For express advocacy that will occur during the period  
20 beginning 60 days prior to the spring primary and ending on the date of the spring  
21 election, a political action committee spending \$2,500 or more in the aggregate on  
22 express advocacy for one or more candidates at the spring primary or spring election  
23 shall submit statements to the commission under par. (b) for express advocacy.

24 **SECTION 13.** 11.0505 (1) (a) 2. (intro.) of the statutes is amended to read:

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1           11.0505 (1) (a) 2. (intro.) For express advocacy that will occur during the period  
2 beginning 60 days prior to the partisan primary and ending on the date of the general  
3 election, a political action committee spending \$2,500 or more in the aggregate on  
4 express advocacy for one or more candidates at the partisan primary or general  
5 election shall submit statements to the commission under par. (b) for express  
6 advocacy as follows:

7           **SECTION 14.** 11.0505 (1) (a) 3. of the statutes is amended to read:

8           11.0505 (1) (a) 3. For express advocacy that will occur during the period  
9 beginning 60 days prior to a special primary and ending on the date of the special  
10 election, a political action committee spending \$2,500 or more in the aggregate on  
11 express advocacy for one or more candidates at the special primary or special election  
12 shall submit statements to the commission under par. (b) for express advocacy.

13           **SECTION 15.** 11.0505 (1) (b) 1. of the statutes is amended to read:

14           11.0505 (1) (b) 1. The dates on which the committee incurred the obligations  
15 or made the disbursements.

16           **SECTION 16.** 11.0505 (1) (b) 2. of the statutes is amended to read:

17           11.0505 (1) (b) 2. The name and address of the obligees or persons who received  
18 the disbursements.

19           **SECTION 17.** 11.0505 (1) (b) 3. of the statutes is amended to read:

20           11.0505 (1) (b) 3. The purpose for making the disbursements or incurring the  
21 obligations.

22           **SECTION 18.** 11.0505 (1) (b) 4. of the statutes is amended to read:

23           11.0505 (1) (b) 4. The amount spent or incurred for each act of express advocacy.

24           **SECTION 19.** 11.0505 (3) of the statutes is renumbered 11.0505 (3) (intro.) and  
25 amended to read:

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1           11.0505 (3) TIMING. (intro.) A political action committee that is required to  
2 report under this section shall submit the report to the commission no later than 72  
3 hours after ~~making the disbursements.~~ the earliest of the following:

4           **SECTION 20.** 11.0505 (3) (a) of the statutes is created to read:

5           11.0505 (3) (a) The date the obligation for express advocacy is incurred, if the  
6 political action committee has the information required to be reported under sub. (1)  
7 (b).

8           **SECTION 21.** 11.0505 (3) (b) of the statutes is created to read:

9           11.0505 (3) (b) The date the express advocacy is aired, broadcast, printed, or  
10 otherwise disseminated to individuals other than any of the following:

11           1. The political action committee's administrator, treasurer, volunteer,  
12 producer, consultant, media production partner, or focus group.

13           2. An officer or employee of the political action committee's sponsoring  
14 organization.

15           **SECTION 22.** 11.0505 (3) (c) of the statutes is created to read:

16           11.0505 (3) (c) The date of the disbursement.

17           **SECTION 23.** 11.0603 (1) (bd) of the statutes is created to read:

18           11.0603 (1) (bd) The email address and personal telephone number of the  
19 treasurer and any other custodian of books and accounts. Telephone numbers  
20 provided under this paragraph shall be kept confidential and are not subject to the  
21 right of inspection and copying under s. 19.35 (1).

22           **SECTION 24.** 11.0605 (1) (a) 1. of the statutes is amended to read:

23           11.0605 (1) (a) 1. For express advocacy that will occur during the period  
24 beginning 60 days prior to the spring primary and ending on the date of the spring  
25 election, an independent expenditure committee spending \$2,500 or more in the

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1 aggregate on express advocacy for one or more candidates at the spring primary or  
2 spring election shall submit statements to the commission under par. (b) for express  
3 advocacy.

4 **SECTION 25.** 11.0605 (1) (a) 2. (intro.) of the statutes is amended to read:

5 11.0605 (1) (a) 2. (intro.) For express advocacy that will occur during the period  
6 beginning 60 days prior to the partisan primary and ending on the date of the general  
7 election, an independent expenditure committee spending \$2,500 or more in the  
8 aggregate on express advocacy for one or more candidates at the partisan primary  
9 or general election shall submit statements to the commission under par. (b) for  
10 express advocacy as follows:

11 **SECTION 26.** 11.0605 (1) (a) 3. of the statutes is amended to read:

12 11.0605 (1) (a) 3. For express advocacy that will occur during the period  
13 beginning 60 days prior to a special primary and ending on the date of the special  
14 election, an independent expenditure committee spending \$2,500 or more in the  
15 aggregate on express advocacy for one or more candidates at the special primary or  
16 special election shall submit statements to the commission under par. (b) for express  
17 advocacy.

18 **SECTION 27.** 11.0605 (1) (b) 1. of the statutes is amended to read:

19 11.0605 (1) (b) 1. The dates on which the committee incurred the obligations  
20 or made the disbursements.

21 **SECTION 28.** 11.0605 (1) (b) 2. of the statutes is amended to read:

22 11.0605 (1) (b) 2. The name and address of the obligees or persons who received  
23 the disbursements.

24 **SECTION 29.** 11.0605 (1) (b) 3. of the statutes is amended to read:

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1           11.0605 (1) (b) 3. The purpose for making the disbursements or incurring the  
2           obligations.

3           **SECTION 30.** 11.0605 (1) (b) 4. of the statutes is amended to read:

4           11.0605 (1) (b) 4. The amount spent or incurred for each act of express advocacy.

5           **SECTION 31.** 11.0605 (3) of the statutes is renumbered 11.0605 (3) (intro.) and  
6           amended to read:

7           11.0605 (3) TIMING. (intro.) An independent expenditure committee that is  
8           required to report under this section shall submit the report to the commission no  
9           later than 72 hours after ~~making the disbursements.~~ the earliest of the following:

10          **SECTION 32.** 11.0605 (3) (a) of the statutes is created to read:

11          11.0605 (3) (a) The date the obligation for express advocacy is incurred, if the  
12          independent expenditure committee has the information required to be reported  
13          under sub. (1) (b).

14          **SECTION 33.** 11.0605 (3) (b) of the statutes is created to read:

15          11.0605 (3) (b) The date the express advocacy is aired, broadcast, printed, or  
16          otherwise disseminated to individuals other than any of the following:

17           1. The independent expenditure committee's administrator, treasurer,  
18          volunteer, producer, consultant, media production partner, or focus group.

19           2. An officer or employee of the independent expenditure committee's  
20          sponsoring organization.

21          **SECTION 34.** 11.0605 (3) (c) of the statutes is created to read:

22          11.0605 (3) (c) The date of the disbursement.

23          **SECTION 35.** 11.0703 (1) (bd) of the statutes is created to read:

24          11.0703 (1) (bd) The email address and personal telephone number of the  
25          administrator of the conduit and any other custodian of books and accounts.

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## SECTION 35

1 Telephone numbers provided under this paragraph shall be kept confidential and are  
2 not subject to the right of inspection and copying under s. 19.35 (1).

3 **SECTION 36.** 11.0706 of the statutes is created to read:

4 **11.0706 Disposal of residual funds by a terminating conduit.** (1) If a  
5 conduit has decided to terminate pursuant to s. 11.0105 and the conduit has funds  
6 remaining in its possession, the conduit shall attempt to redirect contributions as  
7 provided in s. 11.0705. If the conduit is unsuccessful in contacting the individual, the  
8 surviving spouse, or the executor of the estate, as provided in s. 11.0705 (2), the  
9 conduit may dispose of its residual funds by donating the funds to the common school  
10 fund or to a charitable organization, except that the conduit may not direct its  
11 residual funds to a charitable organization owned or operated by the sponsoring  
12 organization or affiliated with the conduit or its sponsoring organization.

13 (2) If a conduit that seeks to terminate is unable to identify the source of its  
14 residual funds upon making a good faith effort to review its books and records, the  
15 conduit may dispose of those funds by donating them to the common school fund or  
16 to a charitable organization, except that the conduit may not direct those residual  
17 funds to a charitable organization owned or operated by the sponsoring organization  
18 or affiliated with the conduit or its sponsoring organization.

19 (3) For purposes of this section, a sponsoring organization or conduit is  
20 affiliated with a charitable organization if any of the following apply:

21 (a) The sponsoring organization or conduit has the authority or ability to direct  
22 or participate in the governance of the charitable organization through provisions of  
23 formal documents, formal or informal practices, or formal or informal procedures.

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1 (b) The sponsoring organization or conduit has the authority or ability to hire,  
2 appoint, demote, or otherwise control the officers or other decision-making  
3 employees of the charitable organization.

4 (c) The sponsoring organization or conduit has common or overlapping officers  
5 or employees with the charitable organization, indicating a formal or ongoing  
6 relationship between the sponsoring organization or conduit and the charitable  
7 organization.

8 (d) The sponsoring organization or conduit has officers or employees who were  
9 officers or employees of the charitable organization, indicating a formal or ongoing  
10 relationship between the sponsoring organization or conduit and the charitable  
11 organization or the creation of a successor.

12 (e) The sponsoring organization or conduit provides or arranges for the  
13 provision of funds or goods in a significant amount or on an ongoing basis to the  
14 charitable organization, such as through payments for fundraising and  
15 administrative costs.

16 (f) The sponsoring organization or conduit has an active or significant role in  
17 the formation or operation of the charitable organization.

18 **SECTION 37.** 11.0803 (1) (bd) of the statutes is created to read:

19 11.0803 (1) (bd) The email address and personal telephone number of the  
20 treasurer and any other custodian of books and accounts. Telephone numbers  
21 provided under this paragraph shall be kept confidential and are not subject to the  
22 right of inspection and copying under s. 19.35 (1).

23 **SECTION 38.** 11.0903 (1) (bd) of the statutes is created to read:

24 11.0903 (1) (bd) The email address and personal telephone number of the  
25 treasurer and any other custodian of books and accounts. Telephone numbers

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1 provided under this paragraph shall be kept confidential and are not subject to the  
2 right of inspection and copying under s. 19.35 (1).

3 **SECTION 39.** 11.1001 (1) (a) 1. of the statutes is amended to read:

4 11.1001 (1) (a) 1. For express advocacy that will occur during the period  
5 beginning 60 days prior to the spring primary and ending on the date of the spring  
6 election, any person, other than a committee, spending \$2,500 or more in the  
7 aggregate on express advocacy for one or more candidates at the spring primary or  
8 spring election shall submit statements to the commission under par. (b) for express  
9 advocacy.

10 **SECTION 40.** 11.1001 (1) (a) 2. (intro.) of the statutes is amended to read:

11 11.1001 (1) (a) 2. (intro.) For express advocacy that will occur during the period  
12 beginning 60 days prior to the partisan primary and ending on the date of the general  
13 election, any person, other than a committee, spending \$2,500 or more in the  
14 aggregate on express advocacy for one or more candidates at the partisan primary  
15 or general election shall submit statements to the commission under par. (b) for  
16 express advocacy as follows:

17 **SECTION 41.** 11.1001 (1) (a) 3. of the statutes is amended to read:

18 11.1001 (1) (a) 3. For express advocacy that will occur during the period  
19 beginning 60 days prior to a special primary and ending on the date of the special  
20 election, any person, other than a committee, spending \$2,500 or more in the  
21 aggregate on express advocacy for one or more candidates at the special primary or  
22 special election shall submit statements to the commission under par. (b) for express  
23 advocacy.

24 **SECTION 42.** 11.1001 (1) (b) 1. of the statutes is amended to read:



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1           11.1001 (1) (b) 1. The dates on which the person incurred the obligations or  
2           made the disbursements.

3           **SECTION 43.** 11.1001 (1) (b) 2. of the statutes is amended to read:

4           11.1001 (1) (b) 2. The name and address of the obligees or persons who received  
5           the disbursements.

6           **SECTION 44.** 11.1001 (1) (b) 3. of the statutes is amended to read:

7           11.1001 (1) (b) 3. The purpose for making the disbursements or incurring the  
8           obligations.

9           **SECTION 45.** 11.1001 (1) (b) 4. of the statutes is amended to read:

10          11.1001 (1) (b) 4. The amount spent or incurred for each act of express advocacy.

11          **SECTION 46.** 11.1001 (3) of the statutes is renumbered 11.1001 (3) (intro.) and  
12          amended to read:

13          11.1001 (3) **TIMING.** (intro.) A person who is required to report under this  
14          section shall submit the report to the commission no later than 72 hours after ~~making~~  
15          ~~the disbursements.~~ the earliest of the following:

16          **SECTION 47.** 11.1001 (3) (a) of the statutes is created to read:

17          11.1001 (3) (a) The date the obligation for express advocacy is incurred, if the  
18          person has the information required to be reported under sub. (1) (b).

19          **SECTION 48.** 11.1001 (3) (b) of the statutes is created to read:

20          11.1001 (3) (b) The date the express advocacy is aired, broadcast, printed, or  
21          otherwise disseminated to individuals other than any of the following:

22                 1. The person, if the person is an individual.

23                 2. The person's officers, directors, partners, employees, or volunteers, if the  
24          person consists of two or more individuals.

25                 3. The person's producer, consultant, media production partner, or focus group.

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1       **SECTION 49.** 11.1001 (3) (c) of the statutes is created to read:

2       11.1001 (3) (c) The date of the disbursement.

3       **SECTION 50.** 11.1114 of the statutes is repealed and recreated to read:

4       **11.1114 Two candidate committees.** (1) (a) A candidate who has  
5       established two candidate committees pursuant to s. 11.0202 (2) may transfer funds  
6       between the two committees as provided in this subsection.

7       (b) The first candidate committee may transfer funds to the second candidate  
8       committee, subject to all of the following:

9       1. Any money contributed to the first candidate committee in a prior  
10       contribution limit period is the property of the first committee. If the first candidate  
11       committee makes a contribution to the second candidate committee from funds  
12       received by the first candidate committee during a prior contribution limit period,  
13       that contribution is considered a contribution from the first candidate committee,  
14       subject to the contribution limits under s. 11.1101 (2) applicable to the second  
15       candidate committee.

16       2. The first candidate committee may transfer a contribution, or any portion  
17       of a contribution, received by the first candidate committee during the current  
18       contribution limit period to the second candidate committee. Such a transfer is  
19       considered a contribution from the original contributor to the first candidate  
20       committee and does not violate s. 11.1202 or 11.1204. The transfer is subject to the  
21       contribution limits under s. 11.1101 applicable to the second candidate committee.  
22       A contribution or portion of a contribution that is transferred may not be included  
23       when determining whether the contributor has reached or exceeded the applicable  
24       contribution limits for the first candidate committee for the current contribution  
25       period. The second candidate committee shall count all contributions directly

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1 received from the contributor and all contributions from the contributor that are  
2 transferred from the first candidate committee to determine whether a contributor  
3 has reached or exceeded the applicable contribution limits for the current  
4 contribution limit period.

5 (c) The second candidate committee may only transfer funds to the first  
6 candidate committee when the second candidate committee is terminating pursuant  
7 to s. 11.0105. Such a transfer is considered a contribution from the original  
8 contributor to the second candidate committee and is subject to the contribution  
9 limits under s. 11.1101 that apply to contributions from the original contributor for  
10 contributions made to the first candidate committee.

11 (2) (a) For a contribution under sub. (1) (b) 1., the first candidate committee  
12 shall report the contribution to the second candidate committee as a disbursement  
13 to the second candidate committee and the second candidate committee shall report  
14 receiving the contribution from the first candidate committee.

15 (b) The candidate committees shall report a transfer under sub. (1) (b) 2. as  
16 follows:

17 1. The first candidate committee shall report receiving the contribution from  
18 the original contributor.

19 2. The first candidate committee shall report transferring the contribution as  
20 a disbursement to the second candidate committee.

21 3. The second candidate committee shall report receiving the contribution as  
22 if it came from the original contributor.

23 (c) With regard to a transfer under sub. (1) (c), the second candidate committee  
24 shall report receiving the contribution from the original contributor and report  
25 transferring the funds to the first candidate committee as a disbursement. The first

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1 candidate committee shall report receiving the contribution as if it came from the  
2 original contributor.

3 (d) A candidate committee making a transfer as provided under this section  
4 may report the transfer as one lump sum contribution if the candidate committee  
5 provides the receiving committee a list of the contributors, all required information  
6 about those contributors, and the amount attributable to each contributor that is  
7 being transferred to the receiving committee. The transferring candidate committee  
8 shall attach the documentation described in this paragraph to its next campaign  
9 finance report.

10 **SECTION 51.** 11.1305 of the statutes is created to read:

11 **11.1305 Administrative termination and suspension.** (1) A filing officer  
12 may terminate any registrant under this chapter that has been exempt for more than  
13 3 years from filing campaign reports pursuant to s. 11.0104.

14 (2) (a) The commission may suspend any registrant for not complying with the  
15 requirements of this chapter. Prior to suspending the registrant, the commission  
16 shall make at least 3 attempts to notify the registrant of the potential violations. The  
17 commission shall send the final notice to the registrant by certified mail to the last  
18 address on file for the registrant, unless a more recent address is obtained from  
19 another government agency, a public record, or a reasonably diligent Internet search.  
20 If the final notice is returned undeliverable or the registrant does not respond within  
21 30 days after the commission sends the notice, the commission may suspend the  
22 registrant and block the registrant's access to the campaign finance website for  
23 registration and reporting.

24 (b) If a registrant does not respond to a communication from the commission  
25 requiring a response from the registrant within 180 days of receipt of the

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1 communication, the commission may suspend the registrant for failing to timely  
2 respond. Prior to suspending the registrant, the commission shall make at least 3  
3 attempts to notify the registrant of the potential violations. The commission shall  
4 send the final notice to the registrant by certified mail to the last address on file for  
5 the registrant, unless a more recent address is obtained from another government  
6 agency, a public record, or a reasonably diligent Internet search. If the final notice  
7 is returned undeliverable or the registrant does not respond within 30 days after the  
8 commission sends the notice, the commission may suspend the registrant and block  
9 the registrant's access to the campaign finance website for registration and  
10 reporting.

11 (3) The commission may not reinstate a registrant suspended as provided  
12 under sub. (2) until the registrant has communicated with the commission and has  
13 filed an amended registration statement that includes all the information that the  
14 commission requires.

15 (4) A registrant that is suspended as provided under sub. (2) may not file a  
16 termination report under s. 11.0105 until it is reinstated as provided under sub. (3).

17 (5) If a registrant is suspended as provided under sub. (2), the statute of  
18 limitations under s. 893.93 (1m) for any potential violation committed within 3 years  
19 prior to the date of the suspension is tolled. The commission or a district attorney  
20 may commence an action to enforce such violations at any time during the 12-month  
21 period following the date of reinstatement.

22 **SECTION 52.** 13.62 (12t) of the statutes is created to read:

23 13.62 (12t) "Special election" means an election other than a spring primary,  
24 spring election, partisan primary, or general election that is called to fill a vacancy  
25 in a state office, as defined in s. 5.02 (23). "Special election" includes an election to

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1 fill a vacancy in a state office, as defined in s. 5.02 (23), that is being conducted  
2 concurrently with a spring primary, spring election, partisan primary, or general  
3 election.

4 **SECTION 53.** 19.55 (2) (e) of the statutes is created to read:

5 19.55 (2) (e) Except as authorized in sub. (5), records created in the course of  
6 conducting an audit to identify a potential violation of this subchapter, ch. 11, or  
7 subch. III of ch. 13.

8 **SECTION 54.** 19.55 (3) (e) 5. and 6. of the statutes are created to read:

9 19.55 (3) (e) 5. Any record of the action of the commission issuing a warning.

10 6. Any record of the action of the commission that indicates that, upon a finding  
11 of a reasonable suspicion of a violation or probable cause to believe that a violation  
12 has occurred or occurring, the commission decided to take no further action.

13 **SECTION 55.** 19.55 (5) of the statutes is created to read:

14 19.55 (5) The following audit records of the commission are open to public  
15 inspection and copying under s. 19.35 (1):

16 (a) Any record containing a finding that there is no reasonable suspicion that  
17 a violation of the law occurred.

18 (b) Any record containing a finding that no probable cause exists to believe that  
19 a violation of the law occurred.

20 (c) Any record of an action of the commission that indicates that, upon a finding  
21 of a reasonable suspicion of a violation or probable cause to believe that a violation  
22 has occurred or occurring, the commission decided to take no further action.

23 (d) Any record of an action of the commission issuing a warning.

24 (e) Any record of an action of the commission authorizing the filing of a civil  
25 complaint.

