

# State of Wisconsin



2009 Senate Bill 417

Date of enactment: **May 12, 2010**  
Date of publication\*: **May 26, 2010**

## 2009 WISCONSIN ACT 313

AN ACT to amend 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (12) (b), 11.07 (1), 11.23 (1) and 11.38 (8) (b) of the statutes; relating to: the threshold for registration and reporting by groups and individuals seeking to influence referendum results.

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

**SECTION 1.** 11.05 (1) of the statutes is amended to read:

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

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

11.05 (2) INDIVIDUALS. Except as provided in s. 9.10 (2) (d), every individual, other than a candidate or agent of a candidate, who accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of \$25 to support or oppose the election or nomination of a candidate at an election

and every individual subject to registration under s. 11.23 shall file a statement with the appropriate filing officer giving the information required by sub. (3). An individual who guarantees a loan on which an individual, committee or group subject to a registration requirement defaults is not subject to registration under this subsection solely as a result of such default.

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

11.05 (2r) GENERAL REPORTING EXEMPTIONS. Any ~~person, committee or group, or individual,~~ other than a committee or individual required to file an oath under s. 11.06 (7), who or which does not anticipate accepting contributions, making disbursements or incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year and does not anticipate accepting any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in that year, or exceeding \$750 in that year for a group or individual subject to registration under s. 11.23, may indicate on its registration statement that the ~~person, committee or group, or individual~~ will not accept contributions, incur obligations or make disbursements in the aggregate in excess of \$1,000 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own cam-

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

paigned, exceeding \$100 in such ~~that~~ year, or exceeding \$750 in that year for a group or individual subject to registration under s. 11.23. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation, or the date that aggregate contributions, disbursements or obligations for the calendar year exceed \$1,000, or the date on which the registrant accepts any contribution or contributions exceeding \$100 from a single source, or exceeding \$750 from a single source for a group or individual subject to registration under s. 11.23, other than contributions made by a candidate to his or her own campaign, during that year, whichever is earlier. If the revocation is not timely, the registrant violates s. 11.27 (1).

**SECTION 4.** 11.05 (12) (b) of the statutes is amended to read:

11.05 (12) (b) Except as authorized under sub. (13), a committee, group or individual ~~that becomes subject to a registration requirement under sub. (1) or (2),~~ other than a candidate or agent of a candidate, shall comply with sub. (1) or (2) no later than the 5th business day commencing after receipt of the first contribution by ~~such the~~ committee, group or individual ~~exceeding the amount specified under sub. (1) or (2) or s. 11.23 (1),~~ and before making any disbursement ~~exceeding that amount.~~ No committee, ~~group~~ or individual ~~supporting or opposing the election or nomination of a candidate at an election,~~ other than a candidate or agent of a candidate, may accept any contribution or contributions exceeding \$25, ~~and no group or individual subject to registration under s. 11.23 may accept any contribution or contributions exceeding \$750,~~ in the aggregate during a calendar year at any time when the committee, group or individual is not registered under this section except within the initial 5-day period authorized by this paragraph.

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

11.07 (1) Every nonresident committee ~~or group~~ making contributions and every nonresident individual, ~~or committee or group~~ making disbursements ~~to support or oppose the election or nomination of a candidate at an election~~ exceeding \$25 cumulatively in a calendar year ~~within this state, and every nonresident group making contributions and every nonresident group or individual making disbursements to support or oppose a particular vote at a referendum~~ exceeding \$750 cumulatively in a calendar year within this state, shall file name, mailing and street address and the name and the mailing and street address of a designated agent within the state with the

office of the secretary of state. An agent may be any adult individual who is a resident of this state. After any change in the name or address of such agent the new address or name of the successor agent shall be filed within 30 days. Service of process in any proceeding under this chapter or ch. 12, or service of any other notice or demand may be made upon such agent.

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

11.23 (1) Any group or individual may promote or oppose a particular vote at any referendum in this state. ~~Before making disbursements, receiving contributions or incurring~~ Except as authorized in s. 11.05 (12) (b) and (13), before a group makes or accepts contributions, makes disbursements, or incurs obligations in excess of \$25 \$750 in the aggregate in a calendar year for such purposes, and before an individual accepts contributions, makes disbursements, or incurs obligations in excess of \$750 in the aggregate in a calendar year for such purposes, the group or individual shall file a registration statement under s. 11.05 (1), (2) or (2r). In the case of a group the name and mailing address of each of its officers shall be given in the statement. Every group and every individual under this section shall designate a campaign depository account under s. 11.14. Every group shall appoint a treasurer, who may delegate authority but is jointly responsible for the actions of his or her authorized designee for purposes of civil liability under this chapter. The appropriate filing officer shall be notified by a group of any change in its treasurer within 10 days of the change under s. 11.05 (5). The treasurer of a group shall certify the correctness of each statement or report submitted by it under this chapter.

**SECTION 7.** 11.38 (8) (b) of the statutes is amended to read:

11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement ~~exceeding the amount specified under s. 11.23 (1)~~ on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement ~~exceeding that amount~~ to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 or 193 ~~that becomes subject to a registration requirement under s. 11.23 (1)~~ shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file periodic reports under s. 11.20 providing the information required under s. 11.06 (1).