



State of Wisconsin
2015 - 2016 LEGISLATURE

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2015 ASSEMBLY BILL 265

June 10, 2015 - Introduced by Representatives HEBL, KOLSTE, KAHL, MASON, SARGENT, BERCEAU, GOYKE, POPE, DOYLE, OHNSTAD, HINTZ, WACHS, C. TAYLOR, MILROY, HESSELBEIN, SUBECK, KESSLER, SPREITZER, BILLINGS, BROSTOFF, JORGENSEN, BOWEN, SINICKI, CONSIDINE, YOUNG, JOHNSON, GENRICH and ZEPNICK, cosponsored by Senators MILLER, WIRCH, CARPENTER, VINEHOUT, HANSEN, HARRIS DODD, BEWLEY, RISSER, LASSA and C. LARSON. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 11.12 (2), 11.16 (2), 11.16 (3), 11.26 (1) (a), 11.26 (2) (a), 11.26
2 (9), 11.31 (1) (d), 11.60 (4) and 11.61 (2); and **to create** 8.35 (4) (b), 11.26 (1) (am),
3 11.26 (2) (am), 11.26 (13), 11.501 to 11.522, 20.511 (1) (r), 20.585 (1) (q), 20.585
4 (1) (r), 20.855 (4) (ba), 20.855 (4) (bb), 25.17 (1) (cm), 25.421 and 71.10 (3) of the
5 statutes; **relating to:** public financing of campaigns for the office of justice of
6 the supreme court, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill creates a democracy trust fund under which eligible candidates for the office of justice of the supreme court may receive public grants derived from general purpose revenues to finance their campaigns.

Under the bill, a candidate for the office of justice of the supreme court may qualify for public financing from the democracy trust fund to finance a campaign in a primary or election by receiving qualifying contributions from at least 1,000 separate contributors who are electors of this state in amounts of not less than \$5 nor more than \$100 in an aggregate amount of at least \$5,000 but not more than \$15,000. A candidate who accepts public financing may also accept "seed money" contributions from electors of this state in amounts of \$100 or less, subject to aggregate limitations, and may contribute personal funds in specified amounts during specified periods. In order to qualify for a public financing benefit for the primary, a candidate at the spring primary must have an opponent who qualifies to

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have his or her name appear on the ballot at the primary, and in order to qualify for a public financing benefit for the spring election, a candidate at the election must have an opponent who qualifies to have his or her name appear on the ballot at the election. A candidate who accepts a public financing benefit may not accept any contributions other than qualifying and seed money contributions and contributions from personal funds within the limitations permitted. Public financing benefits for eligible candidates are \$100,000 in the spring primary and \$300,000 in the spring election. The benefits are subject to a biennial cost of living adjustment.

The bill imposes a limitation on disbursements (expenditures) by a candidate who accepts a public financing benefit that equals the total public financing benefit allocated to the candidate and the total qualifying and seed money contributions lawfully accepted by the candidate. The bill provides that if a candidate makes disbursements that exceed the total permitted under the bill, the candidate is subject to a forfeiture (civil penalty) of not more than ten times the amount by which his or her disbursements exceed the allocation. In addition, the bill provides that a candidate who accepts contributions in excess of any limitation imposed under the bill is subject to a forfeiture of not more than ten times the amount by which the contributions exceed the applicable limitation. The bill also provides that if any candidate or agent of a candidate knowingly accepts more contributions than the candidate is entitled to receive, or makes disbursements exceeding the total amount of the public financing benefit received by the candidate and the qualifying and seed money contributions lawfully received by the candidate, the candidate or agent may be fined not more than \$25,000 or imprisoned for not more than ten years, or both. Under the bill, any person who, in connection with the receipt or disbursement of a public financing benefit, knowingly provides false information to the Government Accountability Board, or knowingly conceals or withholds information from the board, is subject to the same penalty.

Currently, no public financing is available to finance the campaigns of candidates for the office of justice of the supreme court.

Currently, individuals and committees making political contributions to candidates for the office of justice of the supreme court are subject to limitations on the amount or value of any contribution or contributions that may be made cumulatively to any candidate in a campaign. The limitations are \$10,000 in the case of an individual making a contribution to a candidate and \$8,625 in the case of a committee making a contribution to a candidate. This bill replaces these limitations with a contribution limitation of \$1,000 applicable to an individual or committee making any contribution or contributions cumulatively during a campaign period to any candidate for the office of justice of the supreme court who is eligible to qualify for a public financing benefit but who declines to accept one.

Under the bill, public financing benefits are financed through an individual income tax "checkoff." Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$2 of general purpose revenue be transferred to the democracy trust fund. Individuals filing a joint return may separately choose whether to direct that the \$2 transfer be made. The designation does not increase an individual's tax liability nor reduce an individual's

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refund. If the total designations do not generate sufficient general purpose revenues to fully fund the costs of public grants and administration of the democracy trust fund, the bill appropriates additional general purpose revenues to finance those costs.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

1 **SECTION 1.** 8.35 (4) (b) of the statutes is created to read:

2 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
3 received by a candidate from the democracy trust fund shall be immediately
4 transferred to any candidate who is appointed to replace that candidate upon filing
5 of a proper application under s. 11.502 (1). For qualification purposes, contributions
6 received and disbursements made by the former candidate are considered to have
7 been received or made by the replacement candidate. If there is no candidate
8 appointed or if no proper application is filed within 7 days of the date on which a
9 vacancy occurs, the moneys revert to the state.

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

11 11.12 (2) No registrant, other than a candidate who receives a public financing
12 benefit from the democracy trust fund, may accept an anonymous contribution
13 exceeding \$10. No candidate who receives a public financing benefit from the
14 democracy trust fund may accept an anonymous contribution exceeding \$5. Any
15 anonymous contribution exceeding ~~\$10~~ received by a campaign or committee
16 treasurer or by an individual under s. 11.06 (7) that may not be accepted under this
17 subsection may not be used or expended. The contribution shall be donated to the

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1 common school fund or to any charitable organization at the option of the registrant's
2 treasurer.

3 **SECTION 3.** 11.16 (2) of the statutes is amended to read:

4 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. ~~Every~~ Except as provided in s.
5 11.506 (6), every contribution of money exceeding \$50 shall be made by negotiable
6 instrument or evidenced by an itemized credit card receipt bearing on the face the
7 name of the remitter. No treasurer may accept a contribution made in violation of
8 this subsection. The treasurer shall promptly return the contribution, or donate it
9 to the common school fund or to a charitable organization in the event that the donor
10 cannot be identified.

11 **SECTION 4.** 11.16 (3) of the statutes is amended to read:

12 11.16 (3) FORM OF DISBURSEMENTS. ~~Every~~ Except as authorized under s. 11.511
13 (1), every disbursement which is made by a registered individual or treasurer from
14 the campaign depository account shall be made by negotiable instrument. Such
15 instrument shall bear on the face the full name of the candidate, committee,
16 individual or group as it appears on the registration statement filed under s. 11.05
17 and where necessary, such additional words as are sufficient to clearly indicate the
18 political nature of the registrant or account of the registrant. The name of a political
19 party shall include the word "party". The instrument of each committee registered
20 with the board and designated under s. 11.05 (3) (c) as a special interest committee
21 shall bear the identification number assigned under s. 11.21 (12) on the face of the
22 instrument.

23 **SECTION 5.** 11.26 (1) (a) of the statutes is amended to read:

24 11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state,
25 state treasurer, attorney general, or state superintendent, ~~or justice~~, \$10,000.

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1 **SECTION 6.** 11.26 (1) (am) of the statutes is created to read:

2 11.26 (1) (am) Candidates for justice, \$1,000.

3 **SECTION 7.** 11.26 (2) (a) of the statutes is amended to read:

4 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
5 state treasurer, attorney general, or state superintendent, ~~or justice~~, 4 percent of the
6 value of the disbursement level specified in the schedule under s. 11.31 (1).

7 **SECTION 8.** 11.26 (2) (am) of the statutes is created to read:

8 11.26 (2) (am) Candidates for justice, \$1,000.

9 **SECTION 9.** 11.26 (9) of the statutes is amended to read:

10 11.26 (9) (a) No individual who is a candidate for state or local office may receive
11 and accept more than 65 percent of the value of the total disbursement level
12 determined under s. 11.31 or 11.511 (7) for the office for which he or she is a candidate
13 during any primary and election campaign combined from all committees subject to
14 a filing requirement, including political party and legislative campaign committees,
15 including any transfer from any personal campaign committee to another personal
16 campaign committee.

17 (b) No individual who is a candidate for state or local office may receive and
18 accept more than 45 percent of the value of the total disbursement level determined
19 under s. 11.31 or 11.511 (7) for the office for which he or she is a candidate during any
20 primary and election campaign combined from all committees other than political
21 party and legislative campaign committees subject to a filing requirement, not
22 including any transfer from any personal campaign committee to another personal
23 campaign committee.

24 **SECTION 10.** 11.26 (13) of the statutes is created to read:

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1 11.26 (13) Public financing benefits received from the democracy trust fund are
2 not subject to limitation by this section.

3 **SECTION 11.** 11.31 (1) (d) of the statutes is amended to read:

4 11.31 (1) (d) Candidates for secretary of state, state treasurer, state
5 superintendent, ~~or justice~~, \$215,625.

6 **SECTION 12.** 11.501 to 11.522 of the statutes are created to read:

7 **11.501 Definitions.** In ss. 11.501 to 11.522:

8 (1) "Allowable contribution" means a qualifying contribution, seed money
9 contribution, or personal contribution authorized under ss. 11.502 to 11.522.

10 (2) "Campaign" has the meaning given in s. 11.26 (17).

11 (3) "Election campaign period" means the period beginning on the day after the
12 spring primary election or the day on which a primary election would be held, if
13 required, and ending on the day of the succeeding spring election.

14 (4) "Eligible candidate" means a candidate for the office of justice who has an
15 opponent, who has qualified to have his or her name certified for placement on the
16 ballot at the spring primary or election, and who qualifies for a public financing
17 benefit by collecting the required number of qualifying contributions, making all
18 required reports and disclosures, and being certified by the board as being in
19 compliance with ss. 11.502 to 11.522.

20 (5) "Excess disbursement amount" means the amount of disbursements made
21 by a nonparticipating candidate in excess of the public financing benefit available to
22 an eligible candidate for the same office that the nonparticipating candidate seeks.

23 (6) "Excess qualifying contribution amount" means the amount of qualifying
24 contributions accepted by a candidate beyond the number or dollar amount of
25 contributions required to qualify a candidate for a public financing benefit.

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1 **(7)** “Exploratory period” means the period that begins after the date of a spring
2 election immediately preceding a public financing qualifying period and ends on the
3 first day of the public financing qualifying period for the next election for justice.

4 **(9)** “Immediate family,” when used with reference to a candidate, includes the
5 candidate’s spouse and children.

6 **(10)** “Independent disbursement” means a disbursement by a person expressly
7 advocating the election or defeat of a clearly identified candidate which is made
8 without cooperation or consultation with a candidate, or any authorized committee
9 or agent of a candidate, and which is not made in concert with, or at the request or
10 suggestion of, any candidate, or any authorized committee or agent of a candidate.

11 **(11)** “Nonparticipating candidate” means a candidate for the office of justice
12 who does not apply for a public financing benefit or who is otherwise ineligible or fails
13 to qualify for a public financing benefit under ss. 11.502 to 11.522.

14 **(12)** “Personal funds” means funds contributed by a candidate or a member of
15 a candidate’s immediate family.

16 **(13)** “Primary election campaign period” means the period beginning on the
17 day after the last day prescribed by law for filing nomination papers for the office of
18 justice and ending on the day of the spring primary election for that office or the day
19 on which the primary election would be held, if required.

20 **(14)** “Public financing benefit” means a benefit provided to an eligible
21 candidate under ss. 11.502 to 11.522.

22 **(15)** “Public financing qualifying period” means, for each election for the office
23 of justice, the period beginning on the first day of July of the year immediately
24 preceding the year of that election and ending on the day before the beginning of the
25 primary election campaign period for that office.

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1 **(16)** “Qualifying contribution” means a contribution in an amount of not less
2 than \$5 nor more than \$100 made to a candidate by an elector of this state during
3 the public financing qualifying period, which is acknowledged by written receipt
4 identifying the contributor.

5 **(17)** “Seed money contribution” means a contribution in an amount of not more
6 than \$100 made to a candidate by an elector of this state during the exploratory
7 period or the public financing qualifying period, or a contribution made to a
8 candidate consisting of personal funds of that candidate in an amount not more than
9 the amount authorized under s. 11.507 during the exploratory period or the public
10 financing qualifying period.

11 **11.502 Qualification; certification. (1)** Before a candidate for justice in the
12 primary election may be certified as an eligible candidate to receive a public
13 financing benefit for the primary election campaign period, the candidate shall apply
14 to the board for a public financing benefit and file a sworn statement that the
15 candidate has complied and will comply with all requirements of this section and ss.
16 11.503 to 11.522 throughout the applicable campaign, which includes the primary
17 and election for that office. A candidate shall file the application and statement no
18 later than the beginning of the primary election campaign period for the office that
19 the candidate seeks.

20 **(2)** A candidate shall be certified by the board as an eligible candidate for
21 receipt of a public financing benefit for a primary election if the candidate complies
22 with sub. (1) and receives qualifying contributions from at least 1,000 separate
23 contributors in an aggregate amount of not less than \$5,000 nor more than \$15,000
24 before the close of the public financing qualifying period.

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1 **(3)** The board shall verify a candidate's compliance with the requirements of
2 sub. (2) by such verification and sampling techniques as the board considers
3 appropriate.

4 **(4)** Each candidate shall:

5 (a) Acknowledge each qualifying contribution by a receipt to the contributor
6 which contains the contributor's name and home address.

7 (b) No later than the 15th or the last day of the month which immediately
8 follows the date of receipt of a qualifying contribution, whichever comes first, file a
9 copy of the receipt under par. (a) with the board, except that during July, August, and
10 September a copy need only be filed by the last day of the month.

11 **(5)** A qualifying contribution may be used only for the purpose of making a
12 disbursement authorized by law.

13 **11.503 Time of application.** **(1)** Before a candidate may be certified as
14 eligible for receipt of a public financing benefit for the spring election, the candidate
15 shall apply to the board and file a sworn statement that the candidate has fulfilled
16 all the requirements of ss. 11.502 to 11.522 during the primary election campaign
17 period and will comply with such requirements during the election campaign period.
18 Except as authorized in s. 8.35 (4) (b), the application shall be filed no later than the
19 7th day after the date of the spring primary or the date that the primary election
20 would be held if a primary were required.

21 **(2)** The board shall certify a candidate as an eligible candidate for receipt of a
22 public financing benefit for the spring election if the candidate complies with sub. (1)
23 and the candidate was an eligible candidate during the primary election campaign
24 period.

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1 **11.505 Agreement by candidate.** An eligible candidate who accepts a public
2 financing benefit under ss. 11.502 to 11.522 during the primary election campaign
3 period shall agree to comply with all requirements of ss. 11.502 to 11.522 throughout
4 the election campaign period during the same campaign as a precondition to receipt
5 of a public financing benefit. An eligible candidate who accepts a public financing
6 benefit during a primary election campaign period may not elect to accept private
7 contributions in violation of ss. 11.502 to 11.522 during the corresponding election
8 campaign period.

9 **11.506 Requirements imposed upon candidates.** (1) An eligible
10 candidate shall not accept private contributions other than seed money
11 contributions and qualifying contributions that the candidate accepts during the
12 exploratory period and the public financing qualifying period.

13 (2) In addition to reports required to be filed under ss. 11.12 (5) and 11.20, a
14 candidate who receives a public financing benefit shall furnish complete financial
15 records, including records of seed money contributions, qualifying contributions, and
16 disbursements, to the board on the 15th or the last day of the month that
17 immediately follows the receipt of the contribution or the making of the
18 disbursement, whichever comes first, except that during July, August, and
19 September records need only be furnished by the last day of the month. Each such
20 candidate shall cooperate with any audit or examination by the board.

21 (3) In addition to adhering to requirements imposed under ss. 11.06 (5) and
22 11.12 (3), a candidate who receives a public financing benefit shall maintain records
23 of all contributions received by the candidate of more than \$5 but less than \$50,
24 including seed money contributions and qualifying contributions, which shall
25 contain the full name of the contributor and the contributor's full home address. In

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1 addition, if a contributor's aggregate contributions to any candidate exceed \$50 for
2 any campaign, the candidate shall also maintain a record of the contributor's
3 principal occupation and the name and business address of the contributor's place
4 of employment.

5 (4) The failure to record or provide the information specified in sub. (3)
6 disqualifies a contribution from being used by a candidate as a qualifying
7 contribution.

8 (5) No eligible candidate and no person acting on a candidate's behalf may
9 deposit any contribution that is not recorded in accordance with sub. (3) in a
10 candidate's campaign depository account.

11 (6) No eligible candidate may accept more than \$25 in cash from any
12 contributor. No eligible candidate may accept cash from all sources in a total amount
13 greater than one-tenth of 1 percent of the public financing benefit for the office that
14 the candidate seeks or \$500, whichever is greater.

15 **11.507 Personal funds of candidates.** (1) The personal funds of a candidate
16 contributed as seed money contributions may not exceed an aggregate amount of
17 \$5,000.

18 (2) No eligible candidate may make any disbursement derived from personal
19 funds after the close of the public financing qualifying period.

20 **11.508 Seed money contributions.** (1) An eligible candidate may accept
21 seed money contributions from any individual or committee prior to the end of the
22 public financing qualifying period, provided the total contributions received from one
23 contributor, except personal funds and qualifying contributions otherwise permitted
24 under ss. 11.502 to 11.522, do not exceed \$100, and the aggregate contributions,

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1 including personal funds, but not including qualifying contributions, do not exceed
2 \$5,000.

3 (2) An eligible candidate may make disbursements derived from seed money
4 contributions only during the exploratory period and the public financing qualifying
5 period.

6 **11.509 Excess contributions.** If an eligible candidate receives and accepts
7 excess seed money contributions or qualifying contributions in an aggregate amount
8 greater than the limits prescribed in s. 11.502 (2) or 11.508 (1), the candidate shall
9 transfer to the board all seed money and qualifying contributions that exceed the
10 limits prescribed in this section within 48 hours after the end of the public financing
11 qualifying period. The board shall deposit all contributions transferred under this
12 section in the democracy trust fund.

13 **11.51 Certification by candidate. (1)** To apply for a public financing benefit,
14 a candidate shall certify to the board that the candidate has complied and will
15 comply, throughout the applicable campaign, with all requirements of ss. 11.502 to
16 11.522 and that all disclosures required as of the time of application have been made,
17 and shall present evidence of the requisite number of qualifying contributions
18 received by the candidate. The candidate's request for certification shall be signed
19 by the candidate and the candidate's campaign treasurer.

20 (2) The board shall certify to the state treasurer the name of each eligible
21 candidate at the spring primary together with the amount of the public financing
22 benefit payable to the candidate promptly after the candidate demonstrates his or
23 her eligibility and, in any event, not later than 5 days after the end of the public
24 financing qualifying period. The state treasurer shall immediately credit that
25 candidate's account with a line of credit for the amount certified. No candidate may

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1 utilize a line of credit received under this subsection until the beginning of the
2 primary election campaign period.

3 (3) The board shall certify to the state treasurer the name of each eligible
4 candidate at the spring election together with the amount of the public financing
5 benefit payable to the candidate not later than 48 hours after the date of the spring
6 primary election for the office of justice, or the date that the primary election would
7 be held if a primary were required. The state treasurer shall immediately credit that
8 candidate's account with a line of credit for the amount certified. However, no
9 candidate for a particular office shall receive a line of credit until all candidates for
10 the office of justice who apply and qualify for a public financing benefit have been
11 certified as eligible candidates.

12 (4) If any candidate who receives a public financing benefit violates the
13 requirements of ss. 11.502 to 11.522, the board shall require the candidate to repay
14 the amount obligated by the candidate from the democracy trust fund for the primary
15 or election campaign period for which the candidate received the benefit. The board
16 shall deposit all repayments received under this subsection in the democracy trust
17 fund.

18 **11.511 Public financing benefits.** (1) The state treasurer shall provide to
19 each eligible candidate who qualifies to receive a public financing benefit for the
20 primary or election campaign period separate lines of credit for the public financing
21 benefits payable to the candidate for the primary and election campaign periods in
22 the amounts specified in this section. An eligible candidate may use this public
23 financing benefit to finance any lawful disbursements during the primary and
24 election campaign periods to further the election of the candidate in that primary or

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1 election. An eligible candidate shall not use this public financing benefit to repay any
2 loan, or in violation of ss. 11.502 to 11.522 or any other applicable law.

3 (2) The public financing benefit for a primary election campaign period is
4 \$100,000.

5 (3) The public financing benefit for an election campaign period is \$300,000.

6 (4) If there is no spring primary for the office of justice, no eligible candidate
7 may receive a public financing benefit for the primary election campaign period.

8 (5g) An eligible candidate who receives a public financing benefit in the
9 primary election campaign period and whose name is certified to appear on the ballot
10 at the election following that primary may utilize any unencumbered balance of the
11 public financing benefit received by the candidate in the primary election campaign
12 period for the election campaign period.

13 (5r) Except as permitted in sub. (5g), an eligible candidate who receives a
14 public financing benefit and who does not encumber or expend some portion of the
15 benefit for a purpose described in sub. (1) shall return any unencumbered portion of
16 the benefit to the board within 30 days after the primary or election in which the
17 candidate participates.

18 (6) Notwithstanding subs. (2) and (3), beginning on July 1, 2018, and every 2
19 years thereafter, the board shall modify the public financing benefits provided for in
20 subs. (2) and (3) to adjust for the change in the consumer price index, all items, U.S.
21 city average, published by the U.S. department of labor for the preceding 2-year
22 period ending on December 31.

23 (7) No candidate for the office of justice who files an application for a public
24 financing benefit and certification under s. 11.51 (1) and who accepts a public
25 financing benefit may make or authorize total disbursements in a campaign,

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1 beginning with the first day of the exploratory period and ending on the date of the
2 spring election, to the extent of more than the maximum amounts specified in ss.
3 11.502 (2) and 11.508 (1), plus the amount specified in s. 11.511 (3), as adjusted under
4 s. 11.511 (6), and, if there is a primary for the office of justice, the amount specified
5 in s. 11.511 (2), as adjusted under s. 11.511 (6).

6 **11.515 Democracy trust fund.** The democracy trust fund shall be
7 administered by the state treasurer. The state treasurer shall establish an account
8 within the fund for each eligible candidate.

9 **11.516 Administration.** Except as otherwise specifically provided in ss.
10 11.501 to 11.522, the duties of and authority for administering and enforcing ss.
11 11.501 to 11.522 are vested in the board.

12 **11.517 Penalties; enforcement. (1)** Notwithstanding s. 11.60 (1), if an
13 eligible candidate makes disbursements that exceed the total amount of the public
14 financing benefit allocated to the candidate for any campaign and the total
15 qualifying and seed money contributions lawfully accepted by the candidate, the
16 candidate may be required to forfeit not more than 10 times the amount by which the
17 disbursements exceed the allocation.

18 **(2)** Notwithstanding s. 11.60 (1), any eligible candidate who accepts
19 contributions in excess of any limitation imposed under ss. 11.502 to 11.522 may be
20 required to forfeit not more than 10 times the amount by which the contributions
21 exceed the applicable limitation.

22 **(3)** If the board finds that there is probable cause to believe that an eligible
23 candidate has made excess disbursements or has accepted excess contributions
24 contrary to sub. (1) or (2), the board shall attempt for a period of not more than 14
25 days after its finding to correct the matter by informal methods of conference and

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1 conciliation and to enter into a settlement and conciliation agreement under s. 5.05
2 (1) (c) with the person involved. A settlement and conciliation agreement made
3 pursuant to this subsection shall be a matter of public record. Unless violated, a
4 settlement and conciliation agreement is a bar to any civil action under sub. (4).

5 (4) If the board has probable cause to believe that an eligible candidate has
6 made excess disbursements or has accepted excess contributions and the board is
7 unable to correct the matter by informal methods within the time prescribed in sub.
8 (3), the board shall make a public finding of probable cause in the matter. After
9 making a public finding, the board may bring a civil action against the eligible
10 candidate as provided in s. 5.05 (1) (c).

11 (5) If an elector believes that an eligible candidate has violated ss. 11.502 to
12 11.522 and the elector is entitled to vote for or against the eligible candidate in the
13 election in connection with which the violation is alleged to occur, the elector may file
14 a complaint with the board requesting it to take remedial action. If the board refuses
15 to take remedial action or, within 30 days after the filing of such a complaint, fails
16 to take remedial action, the elector may commence a civil action requesting the court
17 to impose a forfeiture under sub. (1) or (2) in circuit court for the county where the
18 board is authorized to bring an action under s. 5.05 (1) (c).

19 (6) The board and courts shall expedite all proceedings under ss. 11.502 to
20 11.522 so that all complaints brought prior to an election are resolved, to the extent
21 possible, before the election is held.

22 (7) If a complaint brought under ss. 11.502 to 11.522 is resolved against the
23 complainant and is found to have been brought in bad faith and without reasonable
24 basis therefor, the board or court may assess costs, including reasonable attorney
25 fees, against the complainant.

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1 **11.518 Prohibited acts. (1)** Notwithstanding s. 11.61 (1) (c), if an eligible
2 candidate or agent of a candidate knowingly accepts more contributions than the
3 candidate is entitled to receive, or makes disbursements exceeding the total amount
4 of the public financing benefit received by the candidate and the qualifying and seed
5 money contributions lawfully received by the candidate, the candidate or agent is
6 guilty of a Class G felony.

7 **(2)** Notwithstanding s. 11.61 (1) (c), if in connection with the receipt or
8 disbursement of a public financing benefit for an election campaign, any person
9 knowingly provides false information to the board, or knowingly conceals or
10 withholds information from the board, that person is guilty of a Class G felony.

11 **11.522 Contributions to nonparticipating candidates.** A
12 nonparticipating candidate may accept contributions from private sources without
13 limitation, except that no person may make any contribution or contributions to a
14 nonparticipating candidate exceeding a total of \$1,000 during any campaign.

15 **SECTION 13.** 11.60 (4) of the statutes is amended to read:

16 **11.60 (4)** Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h),
17 5.08, and 5.081, actions under this section or 11.517 may be brought by the board or
18 by the district attorney for the county where the defendant resides or, if the
19 defendant is a nonresident, by the district attorney for the county where the violation
20 is alleged to have occurred. For purposes of this subsection, a person other than a
21 natural person resides within a county if the person's principal place of operation is
22 located within that county.

23 **SECTION 14.** 11.61 (2) of the statutes is amended to read:

24 **11.61 (2)** Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i),
25 5.08, and 5.081, all prosecutions under this section or s. 11.518 shall be conducted

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1 by the district attorney for the county where the defendant resides or, if the
2 defendant is a nonresident, by the district attorney for the county where the violation
3 is alleged to have occurred. For purposes of this subsection, a person other than a
4 natural person resides within a county if the person’s principal place of operation is
5 located within that county.

6 **SECTION 15.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
7 insert the following amounts for the purposes indicated:

8 **2015-16 2016-17**

9 **20.511 Government accountability board**

10 (1) ADMINISTRATION OF ELECTIONS, ETHICS, AND
11 LOBBYING LAWS

12 (r) Democracy trust fund adminis-
13 tration SEG A -0- -0-

14 **20.585 Treasurer, State**

15 (1) CUSTODIAN OF STATE FUNDS

16 (q) Public financing benefits; candi-
17 dates for justice SEG S -0- -0-

18 (r) Democracy trust fund adminis-
19 tration SEG A -0- -0-

20 **20.855 Miscellaneous Appropriations**

21 (4) TAX, ASSISTANCE AND TRANSFER PAYMENTS

22 (ba) Democracy trust fund payments GPR S -0- -0-

23 (bb) Democracy trust fund transfer GPR S -0- -0-

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1 **SECTION 16.** 20.511 (1) (r) of the statutes is created to read:

2 20.511 (1) (r) *Democracy trust fund administration.* From the democracy trust
3 fund, the amounts in the schedule for the administration of ss. 11.501 to 11.522.

4 **SECTION 17.** 20.585 (1) (q) of the statutes is created to read:

5 20.585 (1) (q) *Public financing benefits; candidates for justice.* From the
6 democracy trust fund, a sum sufficient to provide for payment of public financing
7 benefits to eligible candidates under ss. 11.501 to 11.522.

8 **SECTION 18.** 20.585 (1) (r) of the statutes is created to read:

9 20.585 (1) (r) *Democracy trust fund administration.* From the democracy trust
10 fund, the amounts in the schedule for the administration of ss. 11.501 to 11.522.

11 **SECTION 19.** 20.855 (4) (ba) of the statutes is created to read:

12 20.855 (4) (ba) *Democracy trust fund payments.* A sum sufficient equal to the
13 amounts determined under s. 71.10 (3) to be paid into the democracy trust fund
14 annually on August 15.

15 **SECTION 20.** 20.855 (4) (bb) of the statutes is created to read:

16 20.855 (4) (bb) *Democracy trust fund transfer.* A sum sufficient equal to the
17 difference between the unencumbered balance in the democracy trust fund and the
18 amounts required to provide public financing benefits that candidates qualify to
19 receive from the democracy trust fund, to be transferred from the general fund to the
20 democracy trust fund no later than the time required to make payments of grants
21 under s. 11.51 (2) and (3).

22 **SECTION 21.** 25.17 (1) (cm) of the statutes is created to read:

23 25.17 (1) (cm) Democracy trust fund (s. 25.421);

24 **SECTION 22.** 25.421 of the statutes is created to read:

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1 **25.421 Democracy trust fund.** All moneys appropriated under s. 20.855 (4)
2 (ba) and (bb) and all moneys deposited in the state treasury under ss. 11.509, 11.51
3 (4), and 11.511 (5r) constitute the democracy trust fund, to be expended for the
4 purposes of ss. 11.501 to 11.522.

5 **SECTION 23.** 71.10 (3) of the statutes is created to read:

6 **71.10 (3) CAMPAIGN FUND.** (a) Every individual filing an income tax return who
7 has a tax liability or is entitled to a tax refund may designate \$2 for the democracy
8 trust fund for the use of eligible candidates under s. 11.51. If the individuals filing
9 a joint return have a tax liability or are entitled to a tax refund, each individual may
10 make a designation of \$2 under this subsection.

11 (b) The secretary of revenue shall provide a place for those designations on the
12 face of the individual income tax return and shall provide next to that place a
13 statement that a designation will not increase tax liability. Annually on August 15,
14 the secretary of revenue shall certify to the government accountability board, the
15 department of administration and the state treasurer the total amount of
16 designations made during the preceding fiscal year. If any individual attempts to
17 place any condition or restriction upon a designation, that individual is deemed not
18 to have made a designation on his or her tax return.

19 (c) The names of persons making designations under this subsection shall be
20 strictly confidential.

21 **SECTION 24. Initial applicability.**

22 (1) The treatment of section 71.10 (3) of the statutes first applies to taxable
23 years beginning on January 1 of the year in which this subsection takes effect, except
24 that if this subsection takes effect after July 31 the treatment first applies to taxable

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1 years beginning on January 1 of the year following the year in which this subsection
2 takes effect.

3 **SECTION 25. Effective date.**

4 (1) This act takes effect on December 1 following the date of publication.

5 (END)