

State of Wisconsin



2023 Senate Bill 408

Date of enactment: **March 8, 2024**
Date of publication*: **March 9, 2024**

2023 WISCONSIN ACT 105

AN ACT *to amend* 11.1205 (1) (a) (intro.) and 11.1205 (2) (c); and *to create* 11.1205 (1) (am), 11.1205 (1) (ar), 11.1205 (1) (c) and 11.1205 (1) (d) of the statutes; **relating to**: public funds for substantially identical materials distributed by state senators and representatives to the assembly prior to a general election and providing a penalty.

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

SECTION 1. 11.1205 (1) (a) (intro.) of the statutes is amended to read:

11.1205 (1) (a) (intro.) Except as provided in pars. (am) and (ar) and sub. (2), no person elected to state or local office who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material distributed after:

SECTION 2. 11.1205 (1) (am) of the statutes is created to read:

11.1205 (1) (am) 1. The 50-piece limitation under par. (a) applies to a representative to the assembly who becomes a candidate at an election for partisan office only after the last day authorized by law for filing nomination papers for that election.

2. With respect to any election for partisan office, a state senator who becomes a candidate at that election may not use public funds for the cost of materials or distribution for 150 or more pieces of substantially identical material distributed after the last day authorized by law for filing nomination papers for that election.

SECTION 3. 11.1205 (1) (ar) of the statutes is created to read:

11.1205 (1) (ar) This subsection does not apply during a state of emergency declared by the federal government, by the governor under s. 323.10, or by a local government under s. 323.11 with respect to any elective office representing any part of the territory that is subject to the emergency declaration if the materials distributed are substantially related to the emergency or a government order issued in connection with the emergency.

SECTION 4. 11.1205 (1) (c) of the statutes is created to read:

11.1205 (1) (c) No legislative rule may impose limits on the use of public funds by members of the legislature for the cost of materials or distribution of pieces of substantially identical material that are more restrictive than the limits imposed under pars. (a) and (am).

SECTION 5. 11.1205 (1) (d) of the statutes is created to read:

11.1205 (1) (d) Notwithstanding ss. 11.1400 (1) and 11.1401 (1) (c) 1., violations of this section shall be punished as follows:

1. A violation that occurs on or before the 7th business day after the applicable deadline is punishable by a formal warning of the commission, which the commission shall publish on its Internet site.

2. A violation that occurs after the 7th business day

* Section 991.11, WISCONSIN STATUTES: 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."

2023 Wisconsin Act 105

- 2 -

2023 Senate Bill 408

and on or before the 14th business day after the applicable deadline is punishable by a \$100 forfeiture. A forfeiture under this subdivision may not be paid from campaign funds in the candidate's candidate committee depository account.

3. A violation that occurs after the 14th business day after the applicable deadline is punishable by a \$500 forfeiture. A forfeiture under this subdivision may not be paid from campaign funds in the candidate's candidate committee depository account.

SECTION 5d. 11.1205 (2) (c) of the statutes is amended to read:

11.1205 (2) (c) Communications between members of the legislature ~~regarding the legislative or deliberative process while the legislature is in session, or between~~ members of the legislature and partisan or nonpartisan legislative staff.

SECTION 6. Initial applicability.

(1) This act first applies to the 2024 general election.
