

# State of Wisconsin



2023 Senate Bill 741

Date of enactment:  
Date of publication\*:

## 2023 WISCONSIN ACT

AN ACT *to renumber and amend* 11.0202 (2) (d), 11.0505 (3), 11.0605 (3) and 11.1001 (3); *to amend* 11.0102 (2) (a), 11.0102 (2) (b), 11.0505 (1) (a) 1., 11.0505 (1) (a) 2. (intro.), 11.0505 (1) (a) 3., 11.0505 (1) (b) 1., 11.0505 (1) (b) 2., 11.0505 (1) (b) 3., 11.0505 (1) (b) 4., 11.0605 (1) (a) 1., 11.0605 (1) (a) 2. (intro.), 11.0605 (1) (a) 3., 11.0605 (1) (b) 1., 11.0605 (1) (b) 2., 11.0605 (1) (b) 3., 11.0605 (1) (b) 4., 11.1001 (1) (a) 1., 11.1001 (1) (a) 2. (intro.), 11.1001 (1) (a) 3., 11.1001 (1) (b) 1., 11.1001 (1) (b) 2., 11.1001 (1) (b) 3. and 11.1001 (1) (b) 4.; *to repeal and recreate* 11.1114; and *to create* 11.0102 (2) (e), 11.0202 (2) (d) 2., 11.0202 (2) (d) 3., 11.0202 (2) (d) 4., 11.0203 (1) (bd), 11.0303 (1) (bd), 11.0403 (1) (bd), 11.0503 (1) (bd), 11.0505 (3) (a), 11.0505 (3) (b), 11.0505 (3) (c), 11.0603 (1) (bd), 11.0605 (3) (a), 11.0605 (3) (b), 11.0605 (3) (c), 11.0703 (1) (bd), 11.0803 (1) (bd), 11.0903 (1) (bd), 11.1001 (3) (a), 11.1001 (3) (b), 11.1001 (3) (c), 11.1305, 13.62 (12i), 19.55 (2) (e), 19.55 (3) (e) 5. and 6., 19.55 (5) and 19.851 (3) of the statutes; **relating to:** recommendations from the Ethics Commission regarding campaign finance, lobbying, open records, and closed sessions.

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

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

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

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

11.0102 (2) (b) A conduit or committee that is subject to par. (a) shall pay the fee specified in par. (a) together with the report filed by that conduit or committee on the

15th day of the month of January in each year. If a conduit or committee that is subject to par. (a) registers under this chapter or changes status so that par. (a) becomes applicable to the conduit or committee during a calendar year, the conduit or committee shall pay the fee for that year with the filing of the conduit's or committee's registration statement or at any time before the change in status becomes effective.

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

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

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

11.0202 (2) (d) 1. An individual who holds a state or local elective office and who becomes a candidate for a different state or local elective office may establish a sec-

\* 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."

and 2nd candidate committee under this subchapter for the purpose of pursuing ~~a~~ that different state or local office.

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

11.0202 (2) (d) 2. If the individual described under subd. 1. wins the election for which the individual created the 2nd candidate committee, and the individual is not eligible to continue to hold the first office, the individual shall terminate the first candidate committee as provided under s. 11.0105 no later than 180 days after the date the individual is sworn into the office for which the 2nd candidate committee was created. Residual funds of the first committee may be transferred as provided in s. 11.1114 or used or disposed of in any manner allowed by law.

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

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

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

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

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

11.0203 (1) (bd) The email address and personal telephone number of the candidate, the candidate committee treasurer, and any other custodian of books and accounts. Telephone numbers provided under this paragraph shall be kept confidential and are not subject to the right of inspection and copying under s. 19.35 (1).

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

11.0303 (1) (bd) The email address and personal telephone number of the treasurer and any other custodian of books and accounts. Telephone numbers provided under this paragraph shall be kept confidential and are not sub-

ject to the right of inspection and copying under s. 19.35 (1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.0605 (1) (a) 2. (intro.) For express advocacy that will occur during the period beginning 60 days prior to

the partisan primary and ending on the date of the general election, an independent expenditure committee spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the partisan primary or general election shall submit statements to the commission under par. (b) for express advocacy as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.0703 (1) (bd) The email address and personal telephone number of the administrator of the conduit and any other custodian of books and accounts. Telephone numbers provided under this paragraph shall be kept confidential and are not subject to the right of inspection and copying under s. 19.35 (1).

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

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

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

11.0903 (1) (bd) The email address and personal telephone number of the treasurer and any other custodian of books and accounts. Telephone numbers provided under this paragraph shall be kept confidential and are not subject to the right of inspection and copying under s. 19.35 (1).

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

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

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

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

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

11.1001 (1) (a) 3. For express advocacy that will occur during the period beginning 60 days prior to a special primary and ending on the date of the special election, any person, other than a committee, spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the special primary or special

election shall submit statements to the commission under par. (b) for express advocacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The person, if the person is an individual.
2. The person's officers, directors, partners, employees, or volunteers, if the person consists of 2 or more individuals.
3. The person's producer, consultant, media production partner, or focus group.

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

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

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

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

(b) The first candidate committee may transfer funds to the 2nd candidate committee, subject to all of the following:

1. Any money contributed to the first candidate committee in a prior contribution limit period is the property of the first committee. If the first candidate committee

makes a contribution to the 2nd candidate committee from funds received by the first candidate committee during a prior contribution limit period, that contribution is considered a contribution from the first candidate committee, subject to the contribution limits under s. 11.1101 (2) applicable to the 2nd candidate committee.

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

(c) The 2nd candidate committee may only transfer funds to the first candidate committee when the 2nd candidate committee is terminating pursuant to s. 11.0105. Such a transfer is considered a contribution from the original contributor to the 2nd candidate committee and is subject to the contribution limits under s. 11.1101 that apply to contributions from the original contributor for contributions made to the first candidate committee.

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

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

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

2. The first candidate committee shall report transferring the contribution as a disbursement to the 2nd candidate committee.

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

(c) With regard to a transfer under sub. (1) (c), the 2nd candidate committee shall report receiving the contribution from the original contributor and report transferring the funds to the first candidate committee as a disbursement. The first candidate committee shall report receiving the contribution as if it came from the original contributor.

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

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

**11.1305 Administrative termination and suspension.** (1) (a) Except as provided in par. (b), the commission or another filing officer may terminate any registrant under this chapter that has been exempt for more than 3 years from filing campaign reports pursuant to s. 11.0104.

(b) A filing officer other than the commission may terminate a registrant under par. (a) only if the registrant has not done any of the following:

1. Held an elective office during the 3 years prior to the proposed termination.

2. Filed a new or amended registration statement during the 3 years prior to the proposed termination.

3. After being exempt for more than 3 years from filing campaign finance reports, responded within 60 days from the date on which the filing officer attempted to contact the registrant using the contact information specified on the registrant's most current registration statement.

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

(b) If a registrant does not respond to a communication from the commission requiring a response from the registrant within 180 days of receipt of the communication, the commission may suspend the registrant for failing to timely respond. Prior to suspending the registrant, the commission shall make at least 3 attempts to notify the registrant of the potential violations. The commission shall send the final notice to the registrant by certified mail to the last address on file for the registrant, unless a more recent address is obtained from another government agency, a public record, or a reasonably diligent Internet search. If the final notice is returned undeliverable or the registrant does not respond within 30 days

after the commission sends the notice, the commission may suspend the registrant and block the registrant's access to the campaign finance website for registration and reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Any record of an action of the commission referring a matter to a district attorney or other prosecutor for investigation or prosecution.

**SECTION 56.** 19.851 (3) of the statutes is created to read:

19.851 (3) The commission shall convene in closed session for any of the following purposes:

(a) 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 and, if received, a response to that complaint.

(b) To receive reports concerning audit findings and consider whether there is a reasonable suspicion or probable cause to believe that a violation of the law occurred or is occurring.