

State of Wisconsin



2023 Senate Bill 822

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to repeal* 11.0101 (14); *to amend* 11.0101 (1) (a) 1., 11.0101 (1) (a) 2., 11.0101 (34), 11.0102 (title), 11.0102 (2) (a), 11.0102 (2) (b), 11.0103 (1) (b), 11.0103 (3) (b), 11.0104 (1) (a), 11.0104 (1) (d), 11.0104 (2), 11.0105 (1) (a), 11.0202 (1) (a), 11.0203 (1) (c), 11.0204 (7), 11.0304 (7), 11.0404 (4), 11.1101 (1) (h) 2., 11.1101 (2) (h) 2., 11.1101 (3) (k) 2., 11.1101 (4) (k) 2., 11.1106 (3), 11.1201, 11.1304 (1), 11.1304 (5), 11.1304 (6) (a), 202.12 (5) (a) 2., 755.01 (2) and 755.01 (4); *to repeal and recreate* 11.0102 (1) and 11.0102 (3); and *to create* 5.02 (4v), 19.36 (14), 66.0512 and 940.20 (4m) of the statutes; **relating to:** local candidates filing campaign finance reports, an election official's personal information, battery against election officials, whistleblower protection for municipal clerks, county clerks, and election officials who witness and report election fraud or irregularities, and providing a penalty.

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

SECTION 1. 5.02 (4v) of the statutes is created to read:

5.02 (4v) For purposes of chs. 5 to 10 and 12, "filing officer" means the following:

(a) For a candidate for state office, as defined in s. 5.02 (23), the elections commission.

(b) For a candidate seeking local office, the clerk of the most populous jurisdiction for which the candidate seeks office.

(c) For a candidate for municipal judge elected under s. 755.01 (4), the county clerk or board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge.

(d) For a candidate for school board member, the school district clerk.

SECTION 2. 11.0101 (1) (a) 1. of the statutes is amended to read:

11.0101 (1) (a) 1. Files nomination papers with the appropriate filing officer, as determined under s. 5.02 (4v).

SECTION 3. 11.0101 (1) (a) 2. of the statutes is amended to read:

11.0101 (1) (a) 2. Is nominated as a candidate for state or local office by a caucus under s. 8.05 (1) or by a political party and the nomination is certified to the appropriate filing officer, as determined under s. 5.02 (4v).

SECTION 4. 11.0101 (14) of the statutes is repealed.

SECTION 5. 11.0101 (34) of the statutes is amended to read:

11.0101 (34) "Treasurer" means the individual who registers a committee with ~~a filing officer~~ the commission and who makes reports on behalf of the committee.

SECTION 6. 11.0102 (title) of the statutes is amended to read:

11.0102 (title) Determination of filing officer and duty Duty to file; fees.

SECTION 7. 11.0102 (1) of the statutes is repealed and recreated to read:

11.0102 (1) Each committee and conduit required to register and report under this chapter shall have and shall

* 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."

file each registration statement and report required under this chapter with the commission, except that a candidate committee for a candidate for school board member shall file a registration statement with the commission and a copy of the registration statement with the school district clerk. No candidate may appear on a ballot for any elective office unless the candidate committee files a registration statement for each election at which the candidate runs for office.

SECTION 8. 11.0102 (2) (a) of the statutes, as affected by 2023 Wisconsin Act 120, 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 9. 11.0102 (2) (b) of the statutes, as affected by 2023 Wisconsin Act 120, 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 10. 11.0102 (3) of the statutes is repealed and recreated to read:

11.0102 (3) A filing officer, as defined under s. 5.02 (4v) (b) to (d), shall notify the commission, in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession that may be grounds for civil action or criminal prosecution. The commission may transmit a copy of the notification submitted under this subsection to the district attorney.

SECTION 11. 11.0103 (1) (b) of the statutes is amended to read:

11.0103 (1) (b) Failure to receive a form or notice from ~~a filing officer~~ the commission does not exempt a committee or conduit from a reporting requirement under this chapter.

SECTION 12. 11.0103 (3) (b) of the statutes is amended to read:

11.0103 (3) (b) Each committee shall ensure that each report is filed with the ~~appropriate filing officer~~ commission on the dates designated in this chapter. In the event that any report is required to be filed under this chapter on a nonbusiness day, a committee may file the report on the next business day thereafter.

SECTION 13. 11.0104 (1) (a) of the statutes is amended to read:

11.0104 (1) (a) Except as provided in par. (bm), any committee which does not anticipate accepting or making contributions, making disbursements, or incurring obligations, and any conduit which does not anticipate accepting or releasing contributions, 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 with the ~~appropriate filing officer~~ commission indicating the necessary facts, as described in this paragraph, to claim the exemption. The committee or conduit shall certify the registration statement or amended registration statement in the manner required under s. 11.0103 (3) (c).

SECTION 14. 11.0104 (1) (d) of the statutes is amended to read:

11.0104 (1) (d) If ~~a filing officer~~ the commission receives a registration statement or amended registration statement seeking to claim the exemption under par. (a) and the ~~filing officer~~ commission knows that the candidate committee is not eligible for the exemption, the ~~filing officer~~ commission shall accept the registration but notify the committee within 10 business days that it is not eligible for the exemption for that calendar year. The notice shall also indicate that the committee is required to file campaign finance reports.

SECTION 15. 11.0104 (2) of the statutes is amended to read:

11.0104 (2) Upon receipt of a properly executed registration statement or amended registration statement by a committee or conduit, the ~~appropriate filing officer~~ commission shall suspend the requirement imposed upon that committee or conduit by this chapter to file campaign finance reports. An exemption under this section is effective as provided under sub. (1) (bm) unless the committee or conduit alters its status by filing an amended registration statement before the end of such year or by filing a termination report under s. 11.0105.

SECTION 16. 11.0105 (1) (a) of the statutes is amended to read:

11.0105 (1) (a) Except as provided in par. (b), whenever any committee or conduit dissolves or determines that obligations will no longer be incurred, contributions will no longer be received or, in the case of a conduit, accepted and released, and disbursements will no longer be made during a calendar year, and the committee has no outstanding incurred obligations, the committee or conduit shall file with the ~~appropriate filing officer~~ commission a termination report that indicates a cash balance of zero at the end of the reporting period. The committee or conduit shall certify the termination report in the manner required under s. 11.0103 (3) (c) and the committee shall include the information required to be reported by that committee on its continuing reports.

SECTION 17. 11.0202 (1) (a) of the statutes is amended to read:

11.0202 (1) (a) Each candidate, through his or her candidate committee, shall file a registration statement with the ~~appropriate filing officer~~ commission giving the information required under s. 11.0203 as soon as practicable after the individual qualifies as a candidate under s. 11.0101 (1).

SECTION 18. 11.0203 (1) (c) of the statutes is amended to read:

11.0203 (1) (c) In the case of a candidate committee of an independent candidate for partisan office or a candidate for nonpartisan county or municipal office, a list of the members of the committee, in addition to those specified in par. (b), if any, whom the ~~filing officer~~ commission shall recognize as eligible to fill a nomination vacancy if the candidate dies before the election.

SECTION 19. 11.0204 (7) of the statutes is amended to read:

11.0204 (7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a candidate committee for a candidate for state office from a single contributor during the period beginning on the day that is 14 days prior to a primary or election and ending on the day of the primary or election, and the contribution or contributions are not included in the preprimary or preelection report required of the committee under this chapter, the treasurer of the committee or the individual receiving the contribution shall, within 72 hours of receipt, provide the ~~appropriate filing officer~~ commission with the information required to be reported for contributions received by the committee under this subchapter in such manner as the commission may prescribe. The information shall also be included in the committee's next regular report.

SECTION 20. 11.0304 (7) of the statutes is amended to read:

11.0304 (7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a political party from a single contributor during the period beginning on the day that is 14 days prior to a primary or election and ending on the day of the primary or election, and the contribution or contributions are not included in the preprimary or preelection report required of the political party under this chapter, the treasurer of the political party shall, within 72 hours of receipt, provide the ~~appropriate filing officer~~ commission with the information required to be reported for contributions received by the political party under this subchapter in such manner as the commission may prescribe. The information shall also be included in the political party's next regular report.

SECTION 21. 11.0404 (4) of the statutes is amended to read:

11.0404 (4) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumula-

tively are received by a legislative campaign committee from a single contributor during the period beginning on the day that is 14 days prior to a primary or election and ending on the day of the primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the committee under this chapter, the treasurer of the committee shall, within 72 hours of receipt, provide the ~~appropriate filing officer~~ commission with the information required to be reported for contributions received by the committee under this subchapter in such manner as the commission may prescribe. The information shall also be included in the committee's next regular report.

SECTION 22. 11.1101 (1) (h) 2. of the statutes is amended to read:

11.1101 (1) (h) 2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, as defined under s. 5.02 (4v) (b) to (d), but not more than \$6,000.

SECTION 23. 11.1101 (2) (h) 2. of the statutes is amended to read:

11.1101 (2) (h) 2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, as defined under s. 5.02 (4v) (b) to (d), but not more than \$6,000.

SECTION 24. 11.1101 (3) (k) 2. of the statutes is amended to read:

11.1101 (3) (k) 2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, as defined under s. 5.02 (4v) (b) to (d), but not more than \$5,000.

SECTION 25. 11.1101 (4) (k) 2. of the statutes is amended to read:

11.1101 (4) (k) 2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, as defined under s. 5.02 (4v) (b) to (d), but not more than \$5,000.

SECTION 26. 11.1106 (3) of the statutes is amended to read:

11.1106 (3) ~~Each filing officer~~ The commission shall place a copy of any report received under s. 11.0704 in the file of the conduit and the file of the recipient.

SECTION 27. 11.1201 of the statutes is amended to read:

11.1201 False reports and statements. No person may prepare or submit a false report or statement to ~~a filing officer~~ the commission under this chapter.

SECTION 28. 11.1304 (1) of the statutes is amended to read:

11.1304 (1) Prescribe forms for making the reports, statements, and notices required by this chapter. The commission shall make the forms available free of charge on the commission's Internet site and shall distribute or arrange for the distribution of all forms for use by other filing officers website.

SECTION 29. 11.1304 (5) of the statutes is amended to read:

11.1304 (5) Assign an identification number to each committee for whom the commission acts as a filing officer under s. 11.0102 (1) and to each conduit.

SECTION 30. 11.1304 (6) (a) of the statutes is amended to read:

11.1304 (6) (a) Except as provided in par. (b), require each committee for whom the commission serves as filing officer under s. 11.0102 (1) to file each campaign finance report that is required to be filed under this chapter in an electronic format. The commission shall permit an authorized individual to provide at the time of filing an electronic signature, as defined in s. 137.11 (8), that is subject to a security procedure, as defined in s. 137.11 (13). A committee that files a report under this subsection in an electronic format may file with the commission that portion of the report signed by an authorized individual rather than submit the electronic signature of that individual. The commission shall provide complete instructions to any committee that files a report under this subsection.

SECTION 30m. 19.36 (14) of the statutes is created to read:

19.36 (14) IDENTITIES OF ELECTION OFFICIALS OR ELECTION REGISTRATION OFFICIALS. Unless access is specifically authorized or required by statute, an authority shall not provide access under s. 19.35 (1) to records containing the personally identifiable information of an election official, as defined in s. 5.02 (4e), or an election registration official, as defined in s. 5.02 (4g), except that an authority may provide access to the name of an election official or election registration official and the city and state where the official resides.

SECTION 30n. 66.0512 of the statutes is created to read:

66.0512 Whistleblower protection for certain disclosures made by municipal clerks. No municipal clerk, as defined in s. 5.02 (10), county clerk, as defined in s. 5.02 (2), or election official, as defined in s. 5.02 (4e), may be discharged, disciplined, demoted, or otherwise discriminated against in regard to employment, or threatened with any such treatment, as a reprisal because the clerk or election official lawfully reported, or is believed to have reported, witnessing what the clerk or election official reasonably believed to be election fraud or irregularities. For purposes of this section, "lawfully reported" means a report of information the disclosure of

which is not expressly prohibited by state or federal law, rule, or regulation.

SECTION 31. 202.12 (5) (a) 2. of the statutes is amended to read:

202.12 (5) (a) 2. A candidate for national, state, or local office or a political party or other committee or group required to file financial information with the federal elections commission or a filing officer under s. 11.0102 (1) with the ethics commission.

SECTION 32. 755.01 (2) of the statutes is amended to read:

755.01 (2) The governing body may by ordinance or bylaw abolish the municipal court as part of a consolidation under s. 66.0229 or at the end of any term for which the judge has been elected or appointed, but only if the ordinance or bylaw abolishing the court is submitted to the appropriate filing office under s. 11.0102 (1) (e) officer under s. 5.02 (4v) (c) or to the ethics commission, and to the director of state courts prior to October 1 of the year preceding the end of the term for which the judge has been elected or appointed. The governing body may not abolish the municipal court while an agreement under sub. (4) is in effect.

SECTION 33. 755.01 (4) of the statutes is amended to read:

755.01 (4) Two or more cities, towns or villages of this state may enter into an agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1), except that for purposes of this subsection, any agreement under s. 66.0301 shall be effected by the enactment of identical ordinances by each affected city, town or village. Electors of each municipality entering into the agreement shall be eligible to vote for the judge of the municipal court so established. If a municipality enters into an agreement with a municipality that already has a municipal court, the municipalities may provide by ordinance or resolution that the judge for the existing municipal court shall serve as the judge for the joint court until the end of the term or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt an ordinance or bylaw under sub. (1) prior to entering into the agreement. The contracting municipalities need not be contiguous and need not all be in the same county. Upon entering into or discontinuing such an agreement, the contracting municipalities shall each transmit a certified copy of the ordinance or bylaw effecting or discontinuing the agreement to the appropriate filing officer under s. 11.0102 (1) (e) s. 5.02 (4v) (c) or to the ethics commission. Any court formed under this subsection, including the formation of a new court by a change in the municipalities that have entered into an agreement under s. 66.0301, shall become operative and function when the requirements under this subsection are met, the court receives a certification from the chief judge of the judicial administrative district that the court meets the requirements under ss. 755.09, 755.10, 755.11, and

755.17, and the court provides written notification to the director of state courts. Discontinuation of an agreement under this subsection shall be effective at the end of the term for which the judge has been elected or appointed but only if the ordinance or bylaw discontinuing the agreement is submitted to the appropriate filing office officer under s. ~~11.0102 (1) (e)~~ s. 5.02 (4v) (c) or to the ethics commission and to the director of state courts prior to October 1 of the year preceding the end of the term for which the judge has been elected or appointed. When a municipal judge is elected under this subsection, candidates shall be nominated by filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing officer specified in s. ~~11.0102 (1) (e)~~ under s. 5.02 (4v) (c) or with the ethics commission.

SECTION 33m. 940.20 (4m) of the statutes is created to read:

940.20 (4m) BATTERY TO ELECTION OFFICIALS, ELECTION REGISTRATION OFFICIALS, OR CLERKS. (a) In this sub-

section:

1. "County clerk" has the meaning given in s. 5.02 (2).
2. "Election official" has the meaning given in s. 5.02 (4e).
3. "Election registration official" has the meaning given in s. 5.02 (4g).
4. "Municipal clerk" has the meaning given in s. 5.02 (10).

(b) Whoever intentionally causes bodily harm to an election official, election registration official, county clerk, or municipal clerk who is acting in his or her official capacity is guilty of a Class I felony if the person knows or has reason to know that the victim is an election official, election registration official, county clerk, or municipal clerk and the victim does not consent to the harm.

SECTION 35. Effective date.

- (1) This act takes effect on July 1, 2025.