

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on  
Campaigns &  
Elections  
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr\_AC-Ed\_RCP\_pt01a
- > 05hr\_AC-Ed\_RCP\_pt01b
- > 05hr\_AC-Ed\_RCP\_pt02

*Published Documents*

> Committee Hearings ... CH (Public Hearing Announcements)

> \*\*

> Committee Reports ... CR

> \*\*

> Executive Sessions ... ES

> \*\*

> Record of Comm. Proceedings ... RCP

> \*\*

*Information Collected For Or  
Against Proposal*

> Appointments ... Appt

> \*\*

> Clearinghouse Rules ... CRule

\*\*

> Hearing Records ... HR (bills and resolutions)

> \*\*

> Miscellaneous ... Misc

> **99hr\_AC-CE\_Misc\_pt07**

# Wisconsin Democracy Campaign

16 North Carroll Street • Suite 420 • Madison, WI 53703 • 608-255-4260

## Remarks by Gail Shea to the Assembly Committee on Campaigns and Elections April 28, 1999

Thank you for the invitation to speak to the committee on campaign finance reform.

The most important piece of advice I can give you today is the one which, ultimately, will determine whether you succeed or fail in your efforts at comprehensive reform. Step back and look at this problem from the point of view of the citizen. Voters want a fair, balanced and vibrant system for electing our public officials. A system where incumbents are not favored over challengers, where Republicans are not favored over Democrats, where money is not favored over ideas, and a system where ideas, energy and a commitment to public service are the qualifications for running for office, not fund raising ability.

You can achieve such a system by confronting the major flaws in our current system and finding workable solutions to them.

### *The Problems*

Incumbents have an advantage under the current system. Challengers have fewer resources available to them.

Too many offices are uncontested, reducing accountability, stifling debate on important public policy issues, and leaving citizens with little choice in the voting booth.

The cost of elections is increasing, making it more difficult for ordinary people to run for office, and increasing the time spent raising money.

Special interests play too large a role in financing campaigns, giving them too much influence in policy decision by the legislature.

Groups outside the control of candidates are spending more and dominating the issue agenda in important races, leaving both candidates and the voters on the sidelines.

Issue ads, without disclosure and with corporate money, are making a mockery of the very concept of election law.

Political parties are weak, relying too heavily on legislative leadership to recruit and fund candidates.

Enforcement of the law is ineffective.

### *The Solutions*

**Pass a system of financing elections that provides significant public grants to candidates in exchange for a voluntary agreement to limit spending.** This will help equalize resources for

challengers, reduce the role of special interests in financing campaigns, insure candidates for every race, and result in vibrant campaigns with a full discussion of the important public issues decided by the legislature.

**Control spending outside the control of candidates.** Without assurances that there will be no last minute bombs, candidates are reluctant to agree to limit spending. Options under discussion are: match independent spending with a supplemental grant, limit independent spending, or remove party contribution limits from candidates attacked by independent spending. A carefully crafted approach to this problem may withstand constitutional challenge. It is definitely worth a try. The facts in Wisconsin cry out for a limit on independent spending.

**Treat issue ads as the political ads they really are.** The ultimate issue ad is no longer a theory, but is a reality. Signs with the name of the candidate on them were called issue ads in the Milwaukee school district elections because they did not use the words "vote for." Any mass communication using the name or likeness of the candidate within 60 days of the election should be treated as an independent expenditure.

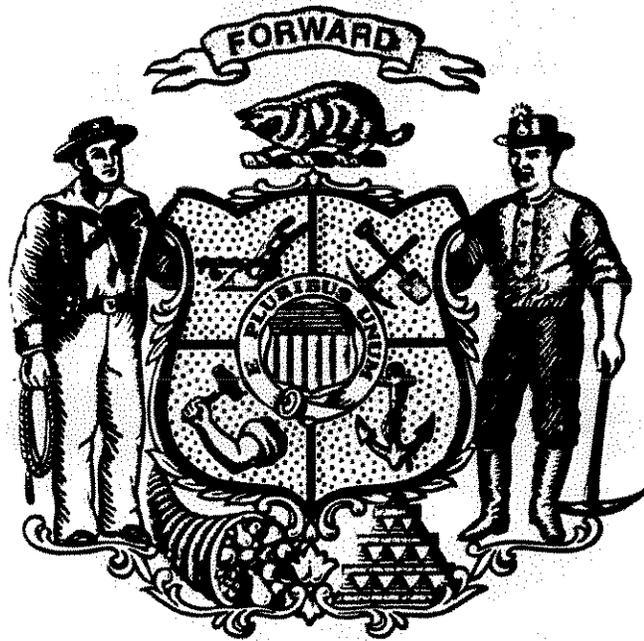
**Reduce the size of individual contribution limits by half.** Combined with a significant public grant, this will encourage candidates to focus on raising small contributions from within the district. Very few candidates receive contributions at the maximum amounts and these usually come through conduits in targeted races.

**Treat conduits the same as PACs.** These contributions come with a special interest tag, and should be treated the same as PACs.

**Treat legislative campaign committees the same as PACs.** These committees depend on special interest contributions and undermine the strength and purpose of political parties — which is where the money should be directed.

**Strengthen political parties by providing a tax credit for individual contributions to them.** This works in Minnesota. We should try it here.

**Restructure the Elections Board.** The Board's inability to confront the hard issues, and to effectively deal with the developing problems in campaign practices is part of the reason we need comprehensive reform now.



## Special Interest Giving to Legislative Candidates 1997/98

Interest Category	\$100+ Contributions	PAC Contributions	TOTAL
Health Professionals	\$447,534	\$32,425	\$479,959
Unknown	\$445,881	\$0	\$445,881
Banking & Finance	\$327,144	\$110,072	\$437,216
Manufacturing & Distributing	\$342,513	\$29,575	\$372,088
Construction	\$287,357	\$31,020	\$318,377
Civil Servant/Public Employee	\$314,916	\$0	\$314,916
Lawyers/Law Firms/Lobbyists	\$300,156	\$2,400	\$302,556
Business	\$247,102	\$24,258	\$271,360
Road Construction	\$245,658	\$1,600	\$247,258
Labor Unions	\$33,777	\$190,008	\$223,785
Tourism/Leisure/Entertainment	\$182,504	\$23,115	\$205,619
Transportation	\$152,952	\$31,358	\$184,310
Retired/Homemakers/Non-income Earners	\$183,961	\$0	\$183,961
Insurance	\$120,574	\$62,170	\$182,744
Real Estate	\$145,315	\$31,165	\$176,480
Natural Resources	\$126,014	\$32,225	\$158,239
Health Services/Institutions	\$107,874	\$16,300	\$124,174
Telecommunications & Computers	\$82,691	\$27,858	\$110,549
Education	\$93,520	\$2,675	\$96,195
Agriculture	\$71,666	\$16,085	\$87,751
Energy	\$42,372	\$31,688	\$74,060
Political/Ideological	\$48,034	\$9,136	\$57,170
Non-Profit/Social Services	\$11,311	\$3,100	\$14,411
Defense	\$725	\$0	\$725
<b>TOTAL</b>	<b>\$4,361,551</b>	<b>\$708,233</b>	<b>\$5,069,784</b>

# Wisconsin Democracy Campaign

16 North Carroll Street • Suite 420 • Madison, WI 53703 • 608-255-4260

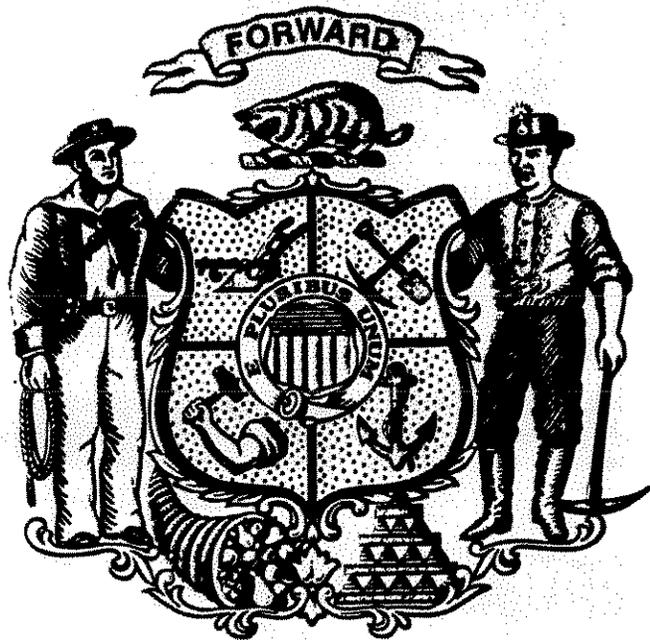
## Independent Spending - 1998\*

GROUP	TOTAL
WEAC-PAC	\$594,976.00
Independent Citz for Dem	267,301.74
Teddy Roosevelt Fund	76,607.69
Vote November 3rd	68,035.10
Volunteers for Agr	36,324.94
WI Right to Life PAC	16,336.04
MTI Voters	7,845.00
WI Sierra Club Education	6,395.40
Concerned Business & Ind	6,334.80
← South West Ed Assoc PAC	5,245.00
WI Physicians PAC	4,000.00
First Breath Alliance	3,642.80
Coulee Region United Ed	3,026.70
Planned Parenthood Ad.	1,294.46
People for Garvey/Lawton	846.50

---

**\$ 1,098,211.87**

\* These figures are based on Form EB-7s filed at the state Elections Board and may not be complete.

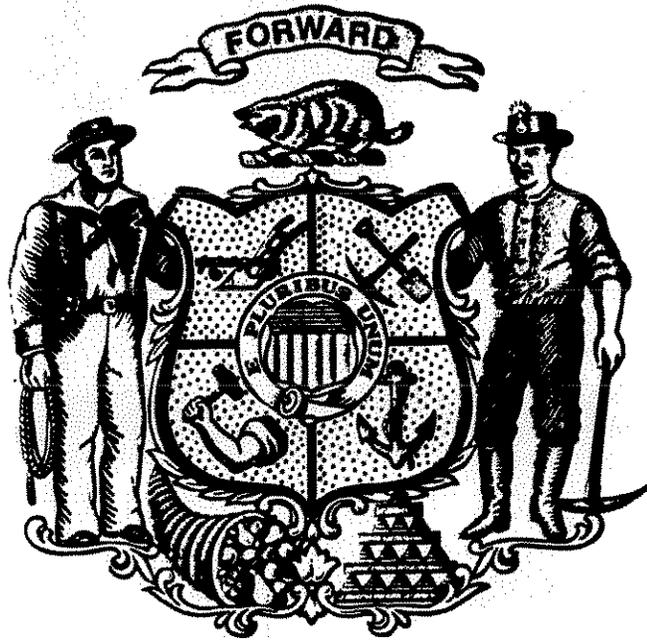


# Wisconsin Democracy Campaign

16 North Carroll Street • Suite 420 • Madison, WI 53703 • 608-255-4260

## Candidate Spending and Outside Spending in Key Races - 1998

District	Total Candidate Spending	Independent Spending	Issues Ads
S 27	\$448,386	\$463,029	??
S 09	\$189,742	\$275,646	??
S 15	\$301,541	\$104,631	??
S 23	\$117,478	\$44,424	??
A 26	\$69,325	\$16,100	??
A 86	\$64,091	\$15,200	??
A 79	\$112,531	\$12,507	??
A 28	\$37,979	\$12,193	??
A 74	\$104,579	\$11,943	??



# Wisconsin Democracy Campaign

16 North Carroll Street • Suite 420 • Madison, WI 53703 • 608-255-4260

## Independent Spending by Group and District in Senate Campaigns - 1998\*

DISTRICT	GROUP	AMOUNT
S27	WEAC-PAC	\$ 361,900.00
S09	WEAC-PAC	212,546.00
S15	Independent Citz for Dem	102,543.40
S27	Independent Citz for Dem	86,358.34
S23	Independent Citz for Dem	43,000.00
S09	Independent Citz for Dem	33,600.00
S09	Teddy Roosevelt Fund	19,913.88
S27	Teddy Roosevelt Fund	6,078.97
S09	WI Right to Life PAC	5,725.83
S11	Concerned Business & Ind	4,173.40
S27	WI Sierra Club Education	4,073.00
S11	First Breath Alliance	3,642.80
S13	WI Right to Life PAC	3,206.38
S09	Volunteers for Agr	3,160.70
S31	Volunteers for Agr	2,699.91
S27	Volunteers for Agr	2,266.03
S11	WI Right to Life PAC	1,873.63
S21	Independent Citz for Dem	1,800.00
S15	WI Sierra Club Education	1,622.40
S23	Volunteers for Agr	1,423.55
S27	Planned Parenthood Ad.	1,294.46
S27	WI Right to Life PAC	1,057.97
S09	WI Sierra Club Education	700.00
S15	WI Right to Life PAC	465.09
S21	WI Right to Life PAC	384.30
S29	WI Right to Life PAC	257.71

\* These figures are based on Form EB-7s filed at the state Elections Board and may not be complete.

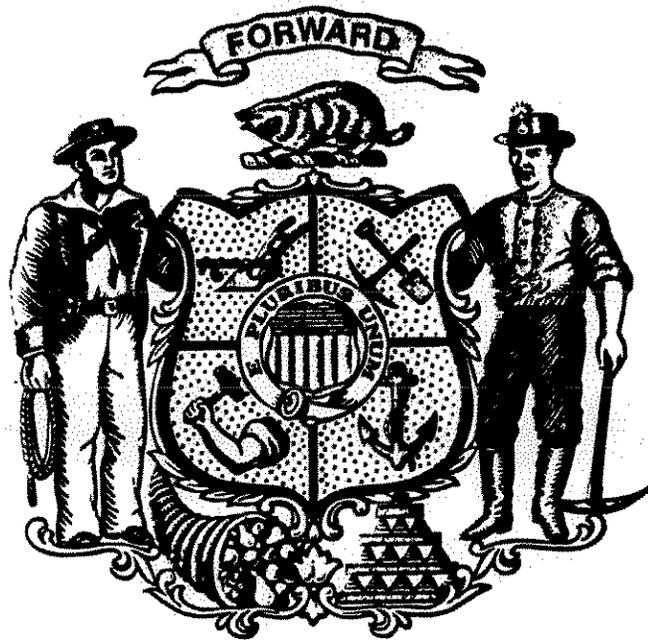
# Wisconsin Democracy Campaign

16 North Carroll Street • Suite 420 • Madison, WI 53703 • 608-255-4260

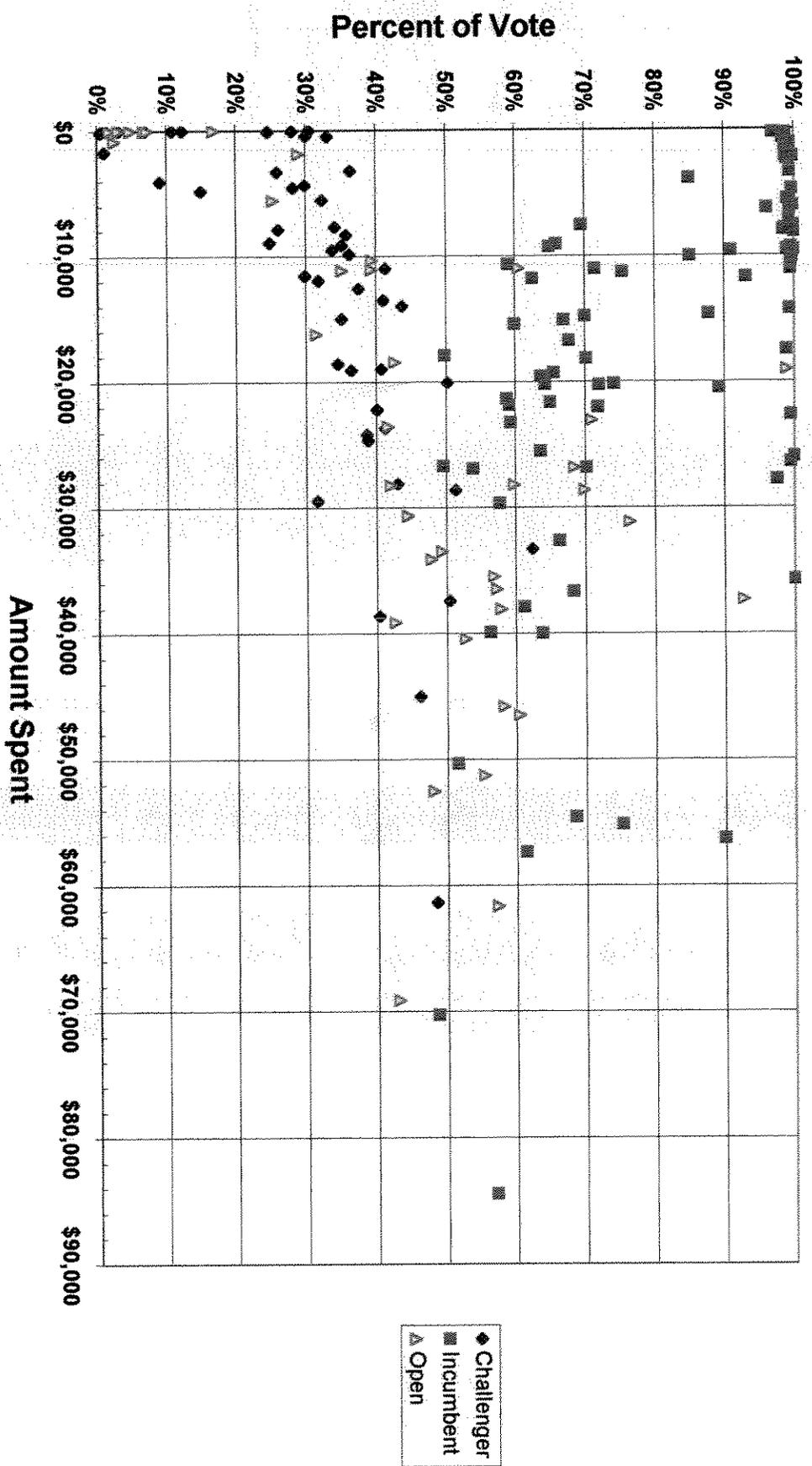
## Independent Spending by Group and District in Assembly Campaigns - 1998\*

DISTRICT	GROUP	AMOUNT
A86	Teddy Roosevelt Fund	\$ 15,199.95
A28	Teddy Roosevelt Fund	10,866.31
A26	Volunteers for Agr	9,997.95
A79	Vote November 3rd	7,593.60
A29	Teddy Roosevelt Fund	7,274.88
A74	Teddy Roosevelt Fund	6,033.70
A26	Vote November 3rd	5,965.22
A74	Vote November 3rd	5,909.28
A04	Vote November 3rd	5,525.48
A69	Vote November 3rd	4,875.94
A27	Vote November 3rd	4,281.44
A68	Vote November 3rd	4,244.50
A54	WI Physicians PAC	4,000.00
A79	Teddy Roosevelt Fund	3,985.00
A91	Teddy Roosevelt Fund	3,887.00
A70	Teddy Roosevelt Fund	3,368.00
A05	Vote November 3rd	3,232.96
A30	Vote November 3rd	2,909.28
A67	Vote November 3rd	2,764.84
A67	Volunteers for Agr	2,172.15
A56	Concerned Business & Ind	2,161.40
A36	Vote November 3rd	2,125.90
A71	Vote November 3rd	2,125.90
A52	Vote November 3rd	1,957.76
A56	Volunteers for Agr	1,819.44
A69	Volunteers for Agr	1,812.60
A91	Volunteers for Agr	1,807.28
A19	WI Right to Life PAC	1,791.13
A45	Vote November 3rd	1,705.84
A92	Volunteers for Agr	1,569.09
A27	Volunteers for Agr	1,448.00
A42	Vote November 3rd	1,812.16
A28	Volunteers for Agr	1,326.98
A30	WI Right to Life PAC	1,301.06
A47	Volunteers for Agr	1,079.77
A79	Volunteers for Agr	928.65
A68	Volunteers for Agr	617.07
A93	Volunteers for Agr	617.06
A71	Volunteers for Agr	596.33
A80	Volunteers for Agr	569.70
A70	Volunteers for Agr	412.38
A26	WI Right to Life PAC	136.47
A27	WI Right to Life PAC	136.47

\*These figures are based on Form EB-7s filed at the state Elections Board and may not be complete.

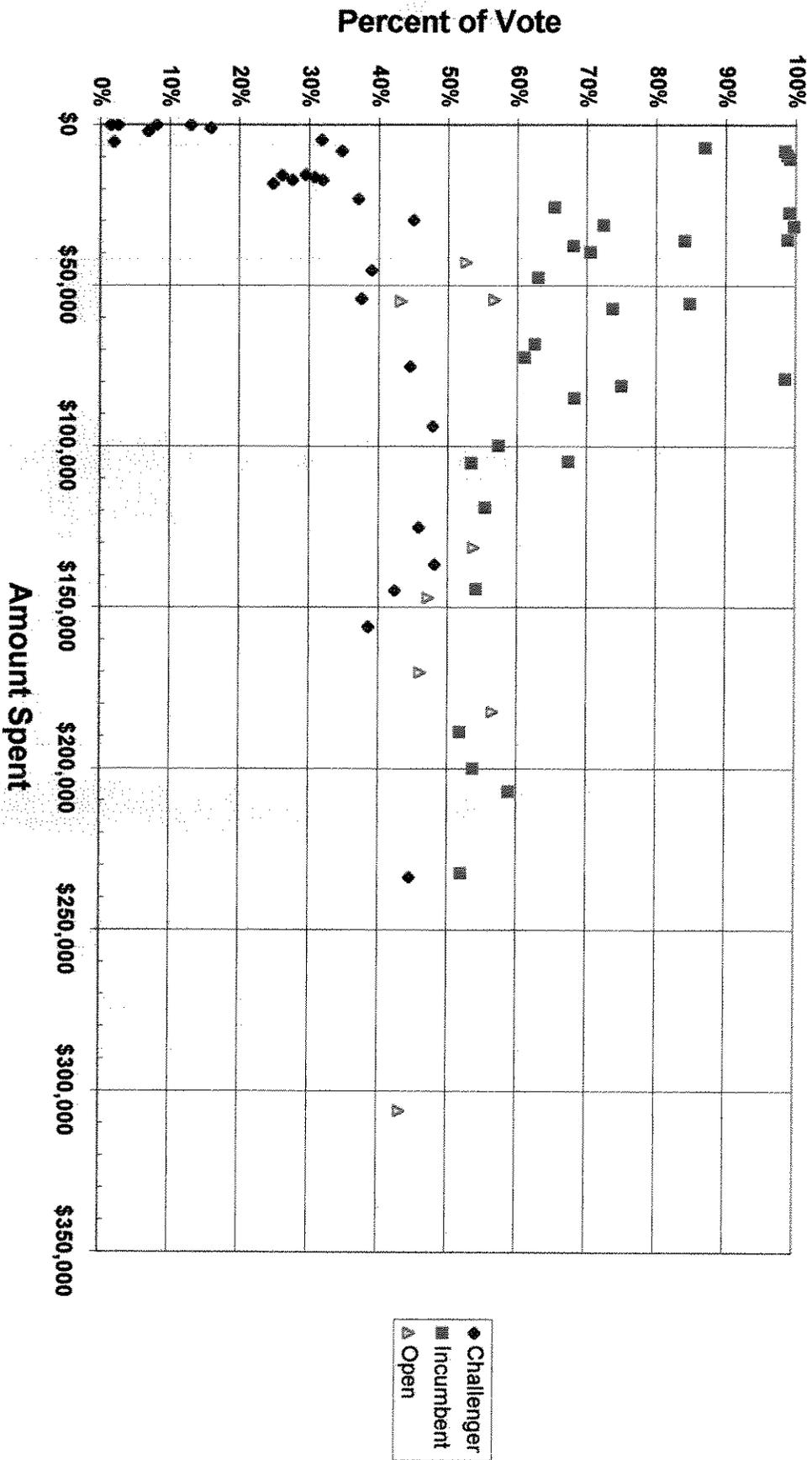


# Spending and Percent of Vote by Status of Candidate Assembly - 1998



# Spending and Percent of Vote by Status of Candidate

## Senate - 1998 and 1996



## 1998 Calendar Year Spending by Assembly Candidates

All candidates on November ballot

District	Candidate	Party	Status	# of Votes	% of Vote	Cost/Vote	Spent 1998
A79	Rick Skindrud	REP	Incumbent	13,179	56.9%	\$6.41	\$84,441
A68	Chuck Schafer	REP	Incumbent	7,758	48.6%	\$9.06	\$70,287
A74	Tom Duffy	REP	Open	8,077	43.1%	\$8.56	\$69,106
A30	Kitty Rhoades	REP	Open	9,453	57.3%	\$6.52	\$61,663
A70	MaryAnn T. Lippert	REP	Challenger	8,386	48.5%	\$7.32	\$61,359
A36	Lorraine M. Seratti	REP	Incumbent	11,292	61.3%	\$5.08	\$57,383
A32	Scott R. Jensen	REP	Incumbent	13,338	89.8%	\$4.22	\$56,332
A38	Steven M. Foti	REP	Incumbent	13,356	75.1%	\$4.13	\$55,196
A34	Joe Handrick	REP	Incumbent	14,625	68.4%	\$3.73	\$54,601
A05	Donald H. De Groot	REP	Open	8,739	48.1%	\$6.01	\$52,530
A45	Dan Schooff	DEM	Open	7,669	55.5%	\$6.69	\$51,278
A70	Don Hasenohrl	DEM	Incumbent	8,906	51.5%	\$5.65	\$50,342
A69	Scott E. Suder	REP	Open	9,504	60.5%	\$4.89	\$46,462
A26	Joseph K. Leibham	REP	Open	10,539	58.3%	\$4.34	\$45,790
A29	Sally Fitzgerald	REP	Challenger	6,539	46.2%	\$6.88	\$45,003
A52	John F. Townsend	REP	Open	7,630	52.8%	\$5.30	\$40,402
A47	Eugene H. Hahn	REP	Incumbent	13,165	63.7%	\$3.04	\$40,003
A88	Carol Kelso	REP	Incumbent	8,483	56.2%	\$4.70	\$39,891
A30	James R. Johnson	DEM	Open	7,034	42.7%	\$5.56	\$39,092
A91	Terry Madden	REP	Challenger	6,566	40.4%	\$5.88	\$38,612
A04	Phillip L. Montgomery	REP	Open	7,832	57.9%	\$4.86	\$38,061
A54	Gregg Underheim	REP	Incumbent	10,031	61.1%	\$3.78	\$37,904
A86	Jerry Petrowski	REP	Challenger	9,136	50.5%	\$4.09	\$37,374
A78	Mark Pocan	DEM	Open	15,828	92.7%	\$2.36	\$37,314
A94	Mike Huebsch	REP	Incumbent	12,797	68.2%	\$2.87	\$36,686
A27	Steven Kestell	REP	Open	10,405	57.3%	\$3.51	\$36,477
A60	Tim T. Hoven	REP	Incumbent	17,375	100.0%	\$2.06	\$35,727
A74	Gary E. Sherman	DEM	Open	10,661	56.9%	\$3.33	\$35,473
A52	Lewis Rosser	DEM	Open	6,820	47.9%	\$5.00	\$34,104
A05	Lee P. Meyerhofer	DEM	Open	8,985	49.4%	\$3.73	\$33,486
A40	Jean Hundertmark	REP	Challenger	9,552	62.4%	\$3.48	\$33,279
A02	Frank Lasee	REP	Incumbent	13,348	66.2%	\$2.45	\$32,642
A08	Pedro A. Colon	DEM	Open	3,779	76.4%	\$8.24	\$31,137
A45	John J. Murphy	REP	Open	6,149	44.5%	\$4.99	\$30,671
A42	Joan Wade Spillner	REP	Incumbent	10,095	57.6%	\$2.94	\$29,659
A34	Richard Moore	DEM	Challenger	6,767	31.6%	\$4.35	\$29,423
A19	Jonathan D. Richards	DEM	Open	10,669	69.9%	\$2.68	\$28,609
A68	Larry C. Balow	DEM	Challenger	8,210	51.4%	\$3.48	\$28,587
A04	Mark McQuate	DEM	Open	10,788	42.1%	\$2.61	\$28,207
A71	Julie M. Lassa	DEM	Open	10,019	59.8%	\$2.81	\$28,176
A79	Arthur R. Cresson	DEM	Challenger	9,964	43.1%	\$2.82	\$28,090
A89	John G. Gard	REP	Incumbent	13,088	97.4%	\$2.12	\$27,804
A29	Joe Plouff	DEM	Incumbent	7,618	53.8%	\$3.54	\$26,935
A22	Sheldon A. Wasserman	DEM	Incumbent	10,347	70.1%	\$2.59	\$26,811
A48	Mark Miller	DEM	Open	13,487	68.5%	\$1.99	\$26,797
A86	Tom Springer	DEM	Incumbent	8,942	49.5%	\$2.99	\$26,717
A56	Judith A. Klusman	REP	Incumbent	15,091	99.4%	\$1.75	\$26,400
A51	Stephen J. Freese	REP	Incumbent	11,417	99.9%	\$2.28	\$25,976
A93	Rob Kreibich	REP	Incumbent	11,732	63.5%	\$2.18	\$25,538
A54	Polly A. Briley	DEM	Challenger	6,374	38.9%	\$3.86	\$24,632
A36	Pete R. Krolow	DEM	Challenger	7,132	38.7%	\$3.39	\$24,191
A67	Mark Weinhold	DEM	Challenger	6,907	41.3%	\$3.43	\$23,674
A26	Timothy J. Lorenz	DEM	Open	7,548	41.7%	\$3.12	\$23,535
A85	Greg Huber	DEM	Incumbent	9,873	59.2%	\$2.35	\$23,239
A76	Terese L. Berceau	DEM	Open	16,047	71.0%	\$1.44	\$23,055

A57	Steve Wieckert	REP	Incumbent	12,592	99.4%	\$1.80	\$22,675
A82	Forrest Ceel	DEM	Challenger	8,154	40.2%	\$2.72	\$22,186
A64	Jim Kreuser	DEM	Incumbent	12,729	71.8%	\$1.73	\$22,055
A91	Barbara Gronemus	DEM	Incumbent	9,599	59.1%	\$2.28	\$21,881
A06	John H. Ainsworth	REP	Incumbent	11,313	64.9%	\$1.91	\$21,662
A67	Tom Sykora	REP	Incumbent	9,827	58.7%	\$2.17	\$21,370
A77	Spencer Black	DEM	Incumbent	16,626	89.1%	\$1.23	\$20,503
A63	Bonnie L. Ladwig	REP	Incumbent	14,328	71.9%	\$1.42	\$20,283
A43	Neal J. Kedzie	REP	Incumbent	11,119	64.2%	\$1.82	\$20,213
A92	Terry M. Musser	REP	Incumbent	11,988	74.1%	\$1.68	\$20,172
A28	Mark L. Pettis	REP	Challenger	9,739	50.3%	\$2.06	\$20,072
A46	Tom Hebl	DEM	Incumbent	12,944	63.6%	\$1.51	\$19,585
A23	John La Fave	DEM	Incumbent	11,616	65.4%	\$1.66	\$19,285
A93	Pamela Wachs-Baily	DEM	Challenger	6,742	36.5%	\$2.83	\$19,060
A84	Mark Gundrum	REP	Open	14,276	98.9%	\$1.33	\$19,045
A85	Albert E. Lippert	REP	Challenger	6,800	40.8%	\$2.79	\$18,969
A23	Michael J. Oswald	REP	Challenger	6,151	34.6%	\$3.02	\$18,550
A27	Joe DeCecco	DEM	Open	7,751	42.7%	\$2.37	\$18,401
A81	Dave Travis	DEM	Incumbent	14,277	70.1%	\$1.27	\$18,167
A28	Robert Dueholm	DEM	Incumbent	9,628	49.7%	\$1.86	\$17,907
A72	Marlin D. Schneider	DEM	Incumbent	14,316	98.8%	\$1.22	\$17,510
A14	Scott K. Walker	REP	Incumbent	14,110	67.6%	\$1.18	\$16,719
A48	Kevin D. Miller	REP	Open	6,216	31.5%	\$2.60	\$16,178
A82	Jeff Stone	REP	Incumbent	12,141	59.8%	\$1.27	\$15,441
A21	Jeffrey T. Plale	DEM	Incumbent	12,179	66.9%	\$1.24	\$15,101
A06	Len Pubanz	DEM	Challenger	6,127	35.1%	\$2.45	\$14,982
A98	Marc C. Duff	REP	Incumbent	14,999	69.9%	\$0.99	\$14,814
A15	Tony Staskunas	DEM	Incumbent	10,940	87.7%	\$1.34	\$14,644
A59	Glenn Grothman	REP	Incumbent	15,074	99.2%	\$0.95	\$14,275
A88	Lori Nelson	DEM	Challenger	6,600	43.8%	\$2.12	\$13,976
A62	Joseph S. Clementi	REP	Challenger	6,818	41.1%	\$1.98	\$13,510
A90	Ken Simons	REP	Challenger	5,953	37.6%	\$2.11	\$12,567
A94	Rickert J. Durst	DEM	Challenger	5,967	31.8%	\$2.01	\$11,964
A90	John J. Ryba	DEM	Incumbent	9,899	62.4%	\$1.19	\$11,812
A11	Johnnie Morris-Tatum	DEM	Incumbent	10,425	93.0%	\$1.13	\$11,747
A81	Ralph Zahnow	REP	Challenger	6,098	29.9%	\$1.90	\$11,579
A97	Peggy Krusick	DEM	Incumbent	13,321	75.4%	\$0.85	\$11,297
A71	John Lopez Frank	REP	Open	5,902	35.2%	\$1.89	\$11,133
A58	Michael A. Lehman	REP	Incumbent	16,083	99.4%	\$0.69	\$11,109
A13	David A. Cullen	DEM	Incumbent	11,862	71.4%	\$0.93	\$11,076
A20	Bryan J. Olen	REP	Open	6,402	39.4%	\$1.73	\$11,073
A42	Jim Murphy	DEM	Challenger	7,242	41.4%	\$1.52	\$10,991
A20	Christine Sinicki	DEM	Open	9,845	60.6%	\$1.11	\$10,958
A62	John Lehman	DEM	Incumbent	9,771	58.9%	\$1.09	\$10,666
A96	DuWayne Johnsrud	REP	Incumbent	12,747	99.5%	\$0.82	\$10,501
A69	Wayne L. Hendrickson	DEM	Open	6,215	39.5%	\$1.65	\$10,285
A53	Carol Owens	REP	Incumbent	15,390	99.6%	\$0.66	\$10,116
A80	Mike Powers	REP	Incumbent	12,350	85.0%	\$0.81	\$10,050
A47	Julia C. Hoffman	DEM	Challenger	7,489	36.3%	\$1.32	\$9,860
A33	Daniel P. Vrakas	REP	Incumbent	17,353	90.9%	\$0.55	\$9,621
A01	Dave Hutchison	REP	Incumbent	14,864	99.9%	\$0.65	\$9,593
A18	Antonio R. Riley	DEM	Incumbent	5,716	98.9%	\$1.67	\$9,541
A02	Mark Heller	DEM	Challenger	6,816	33.8%	\$1.39	\$9,503
A66	Cloyd A. Porter	REP	Incumbent	13,337	99.5%	\$0.70	\$9,362
A31	Steve Nass	REP	Incumbent	11,620	64.8%	\$0.80	\$9,274
A31	Shirley Wheeler	DEM	Challenger	6,299	35.2%	\$1.45	\$9,120
A65	John P. Steinbrink	DEM	Incumbent	14,058	65.8%	\$0.65	\$9,103
A38	Denise C. Barker	DEM	Challenger	4,430	24.9%	\$2.01	\$8,898
A43	Ryan J. Schroeder	DEM	Challenger	6,203	35.8%	\$1.34	\$8,291
A41	Luther S. Olsen	REP	Incumbent	13,475	99.9%	\$0.61	\$8,162

A73	Frank J. Boyle	DEM	Incumbent	11,397	98.4%	\$0.70	\$8,010
A55	Dean R. Kaufert	REP	Incumbent	12,296	98.6%	\$0.64	\$7,908
A13	Liliana Amparo	REP	Challenger	4,344	26.1%	\$1.81	\$7,849
A50	Sheryl K. Albers	REP	Incumbent	12,511	99.9%	\$0.61	\$7,671
A65	Joe Robinson	REP	Challenger	7,300	34.2%	\$1.05	\$7,637
A87	Marty Reynolds	DEM	Incumbent	11,906	69.5%	\$0.64	\$7,578
A99	Frank H. Urban	REP	Incumbent	19,527	99.2%	\$0.37	\$7,184
A24	Suzanne E. Jeskewitz	REP	Incumbent	18,065	99.3%	\$0.35	\$6,358
A95	Mark Meyer	DEM	Incumbent	14,476	96.0%	\$0.43	\$6,277
A49	David A. Brandemuehl	REP	Incumbent	9,676	99.8%	\$0.63	\$6,062
A61	Robert L. Turner	DEM	Incumbent	9,515	99.3%	\$0.59	\$5,592
A37	David W. Ward	REP	Incumbent	12,686	99.0%	\$0.44	\$5,560
A19	Curtis Lamon	REP	Open	3,852	25.3%	\$1.44	\$5,544
A14	Jim Heidenreich	DEM	Challenger	6,750	32.4%	\$0.81	\$5,491
A80	Dick Bergum	TAX	Challenger	2,183	15.0%	\$2.19	\$4,776
A03	Al Ott	REP	Incumbent	15,073	99.6%	\$0.32	\$4,759
A64	Don Ruge	REP	Challenger	5,003	28.2%	\$0.91	\$4,533
A22	Dave Tatarowicz	REP	Challenger	5,568	29.9%	\$0.78	\$4,317
A33	James Harold Hause	TAX	Challenger	1,738	9.1%	\$2.33	\$4,050
A35	Thomas D. Ourada	REP	Incumbent	12,651	84.9%	\$0.31	\$3,861
A17	G. Spencer Coggs	DEM	Incumbent	11,288	99.3%	\$0.30	\$3,379
A92	Darrol Ottow	DEM	Challenger	4,187	25.9%	\$0.78	\$3,262
A46	Richard L. Vanderhoef	REP	Challenger	7,396	36.4%	\$0.43	\$3,205
A12	Shirley Krug	DEM	Incumbent	11,012	98.9%	\$0.21	\$2,363
A75	Mary Hubler	DEM	Incumbent	12,505	99.7%	\$0.18	\$2,196
A39	Robert G. Goetsch	REP	Incumbent	12,253	99.7%	\$0.17	\$2,132
A83	Scott L. Gunderson	REP	Incumbent	16,828	99.3%	\$0.13	\$2,127
A09	Tim Carpenter	DEM	Incumbent	11,418	98.7%	\$0.19	\$2,125
A76	Donald R. Aznoe	REP	Open	6,556	29.0%	\$0.28	\$1,864
A13	Wendell J. Harris	IND	Challenger	177	1.1%	\$9.53	\$1,686
A10	Annette Polly Williams	DEM	Incumbent	9,287	98.6%	\$0.14	\$1,268
A44	Wayne W. Wood	DEM	Incumbent	15,621	99.3%	\$0.07	\$1,084
A05	Frederick Techlin	TAX	Open	446	2.5%	\$1.85	\$826
A07	Peter E. Bock	DEM	Incumbent	9,788	98.3%	\$0.07	\$664
A21	Arden C. Degner	REP	Challenger	6,020	33.1%	\$0.07	\$448
A98	Tom Augustine	DEM	Challenger	6,450	30.1%	\$0.06	\$408
A16	Leon D. Young	DEM	Incumbent	6,694	98.7%	\$0.04	\$286
A25	Bob Ziegelbauer	DEM	Incumbent	11,893	96.9%	\$0.02	\$272
A91	John Kimmel	IND	Challenger	86	0.5%	\$1.69	\$145
A97	Mark Brodaczynski	REP	Challenger	4,336	24.6%	\$0.02	\$80
A63	Patrick F. Cherf	DEM	Challenger	5,588	28.1%	\$0.01	\$47
A08	Donald E. Stoetzel	IND	Open	337	6.8%	\$0.01	\$3
A25	Wim Van der Graaf	TAX	Challenger	384	3.1%	\$0.00	\$2
A42	Mike Person	IND	Challenger	175	1.0%	\$0.00	\$0
A15	Robert J. Pritzl	LIB	Challenger	1,540	12.3%	\$0.00	\$0
A87	Jon Anthony Hauser	REP	Challenger	5,220	30.5%	\$0.00	\$0
A11	James D. Soderna	TAX	Challenger	781	7.0%	\$0.00	\$0
A78	Richard H. Anderson	IND	Open	1,251	7.3%	\$0.00	\$0
A77	Darren K. Powers	LIB	Challenger	2,028	10.9%	\$0.00	\$0
A71	Aaron T. Haase	IND	Open	521	3.1%	\$0.00	\$0
A19	Stephen Latin-Kasper	IND	Open	734	4.8%	\$0.00	\$0
A71	Richard Kealiher	TAX	Open	309	1.8%	\$0.00	\$0
A08	Roberto Escamilla	REP	Open	831	16.8%	\$0.00	\$0
A13	John Washburn	LIB	Challenger	230	1.4%	\$0.00	\$0

**Total Spending by Assembly Candidates in Calendar Year 1998**     **\$3,125,496**  
**Average cost/vote**     **\$2.01**

02/18/99

Wisconsin Democracy Campaign

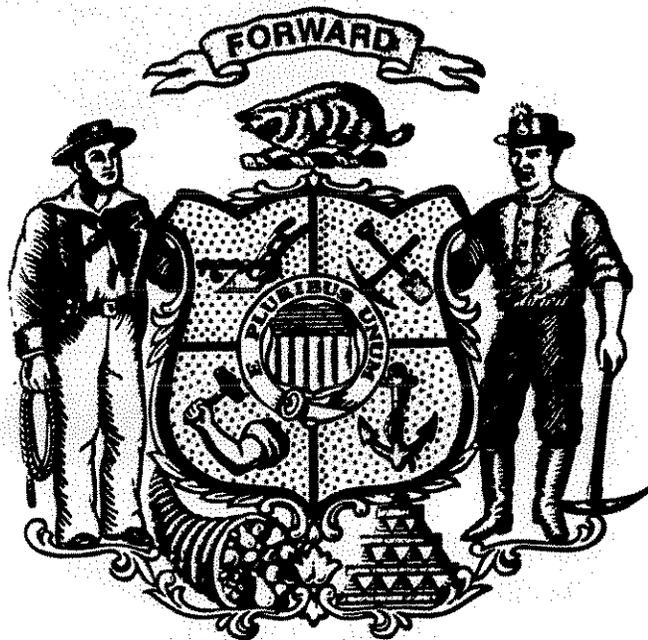
**1998 Calendar Year Spending by Senate Candidates**  
**All Candidates on November Ballot (excluding write-ins)**

District	Candidate	Party	Status	# of Votes	% of Vote	Spent 1998	Cost/Vote
S27	Nancy Mistele	REP	Open	26,910	43.4%	\$306,048	\$11.37
S27	Jon Erpenbach	DEM	Open	35,026	56.6%	\$182,338	\$5.21
S15	William J. Sodemann	REP	Open	23,308	46.1%	\$170,172	\$7.30
S09	Paul F. Nus	REP	Open	25,234	47.3%	\$146,999	\$5.83
S15	Judy Robson	DEM	Open	27,285	53.9%	\$131,369	\$4.81
S21	Kimberly M. Plache	DEM	Incumbent	27,277	55.4%	\$119,011	\$4.36
S05	Peggy A. Rosenzweig	REP	Incumbent	28,433	53.4%	\$105,275	\$3.70
S13	Scott Fitzgerald	REP	Incumbent	33,499	67.3%	\$104,715	\$3.13
S11	Joanne B. Huelsman	REP	Incumbent	38,168	68.2%	\$85,027	\$2.23
S21	David Hazen	REP	Challenger	21,934	44.6%	\$75,179	\$3.43
S23	David A. Zien	REP	Incumbent	29,635	61.0%	\$72,313	\$2.44
S29	Russ Decker	DEM	Incumbent	32,484	62.4%	\$68,304	\$2.10
S29	Daniel J. Krcma	REP	Challenger	19,560	37.6%	\$54,069	\$2.76
S23	Paul Gordon	DEM	Challenger	18,970	39.0%	\$45,165	\$2.38
S09	Jim Baumgart	DEM	Open	28,147	52.7%	\$42,743	\$1.52
S17	Dale W. Schultz	REP	Incumbent	31,165	70.5%	\$39,682	\$1.27
S31	Rodney C. Moen	DEM	Incumbent	34,751	68.0%	\$37,580	\$1.08
S19	Michael G. Ellis	REP	Incumbent	35,752	72.4%	\$31,195	\$0.87
S05	James A. Bohl Jr.	DEM	Challenger	24,043	45.1%	\$29,629	\$1.23
S25	Robert Jauch	DEM	Incumbent	32,385	65.3%	\$25,668	\$0.79
S31	Gary Klinker	REP	Challenger	16,350	32.0%	\$17,098	\$1.05
S19	Michael Meyer	DEM	Challenger	13,645	27.6%	\$17,048	\$1.25
S13	Susan L. Lidholm	DEM	Challenger	15,315	30.8%	\$16,318	\$1.07
S17	James M. McGhee	DEM	Challenger	13,018	29.5%	\$15,420	\$1.18
S33	Margaret A. Farrow	REP	Incumbent	49,006	99.1%	\$10,487	\$0.21
S07	Richard A. Grobschmid	DEM	Incumbent	38,678	98.7%	\$9,322	\$0.24
S25	Robert G. Schuck	REP	Challenger	17,218	34.7%	\$8,100	\$0.47
S03	Brian B. Burke	DEM	Incumbent	25,384	98.4%	\$8,042	\$0.32
S01	Alan J. Lasee	REP	Incumbent	43,490	86.9%	\$7,007	\$0.16
S13	Kenneth W. Eyre	TAX	Challenger	975	2.0%	\$5,207	\$5.34
S11	Richard W. Hennecke	DEM	Challenger	17,762	31.8%	\$4,555	\$0.26
S01	Janet E. Van Asten	IND	Challenger	6,583	13.1%	\$0	\$0.00
S05	David J. Howard	LIB	Challenger	785	1.5%	\$0	\$0.00

**Total Spending by Senate Candidates in Calendar Year 1998 \$1,991,084**  
**Average cost/vote \$2.39**

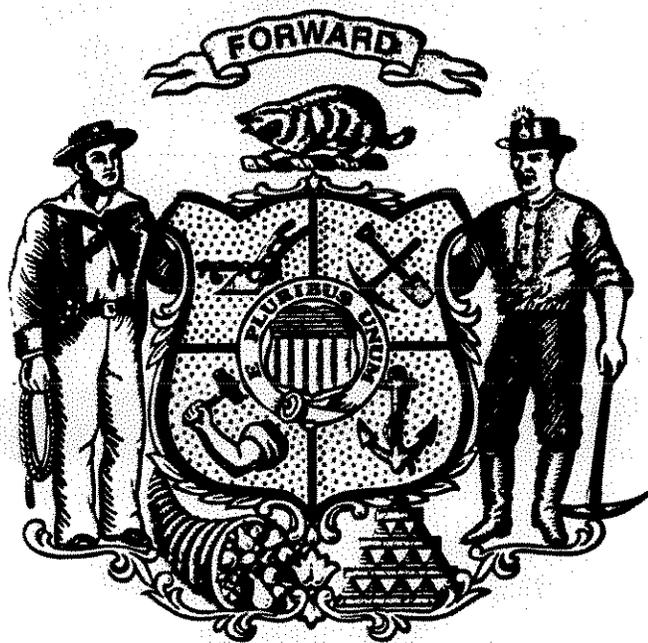
02/18/99

Wisconsin Democracy Campaign



## Comparison of Campaign Finance Proposals

Subject Area	Campaign & Elections Committee Prop.	Governor's Prop.	Burke/Freese Prop. SB 111	Ellis Prop. SSA1 to SB 113	Sen. Comm. On CFR SB 190
<b>Spending Limits</b>  Governor Lt. Governor Attorney General Sec. Of State Treasurer Supreme Court Public Instruction  State Senate State Assembly	\$ 2,500,000 \$ 400,000 \$ 400,000 \$ 100,000 \$ 100,000 \$ 400,000 \$ 250,000	\$ 3,500,000 \$ 1,125,000 \$ 750,000 \$ 350,000 \$ 350,000 \$ 400,000 \$ 350,000	\$ 3,500,000 \$ 1,125,000 \$ 750,000 \$ 350,000 \$ 350,000 \$ 400,000 \$ 350,000	\$ 2,000,000 \$ 400,000 \$ 200,000 \$ 200,000 \$ 200,000 \$ 200,000	\$ 2,000,000 \$ 600,000 \$ 200,000 \$ 200,000 \$ 300,000 \$ 200,000
Size of Grant to Cand. Who Agree to Spending Limits	33% of Spending Limit Example: Assembly grant \$11,550	25% of Spending Limit	50% of Spending Limit	33 1/3% of Spending Limit	75% of Spending Limit
Source of Funds	1) 6% of the vote in the primary. 2) Raise 10% of the spending limit in not more than \$100 individual contributions, 1/2 from the counties within the district 3) Raise 100% from within the state for statewide office	1) 6% of the vote in the primary or a candidate in the same party received 6% of the vote in the last general election. 2) Raise 5% of spending limit in individual contributions of \$100 or less.	1) 6% of the vote in the primary. 2) Raise 5% of the spending limit in not more than \$50 individual contributions, 1/2 within the district.	1) 6% of the vote in the primary. 2) Raise 4% of the spending limit in not more than \$100 individual contributions, all within the district with special provisions for poorer districts.	1) 6% of the vote in the primary. 2) Raise 4% of the spending limit in not more than \$100 individual contributions, anywhere in the state.
Qualifying for a Grant	Example: Assembly candidate must raise \$3500 in \$100 contributions from the counties within the Assembly District in which he or she is a candidate. The balance from within the state.				



① Union check off

400<sup>00</sup>

1750<sup>00</sup>

②

Difference Variables - for Costs

Budget Vals <sup>can</sup> Regulate  
Issue Adds

Rolling Don't Substant -  
- check off - Not being told  
Independent Expenditures

What Evils - ① how will it work  
What Evils

330,000  
24:2

80,750

1st  
Amendment

Public Pressure -

Journalists & Editorial Boards -

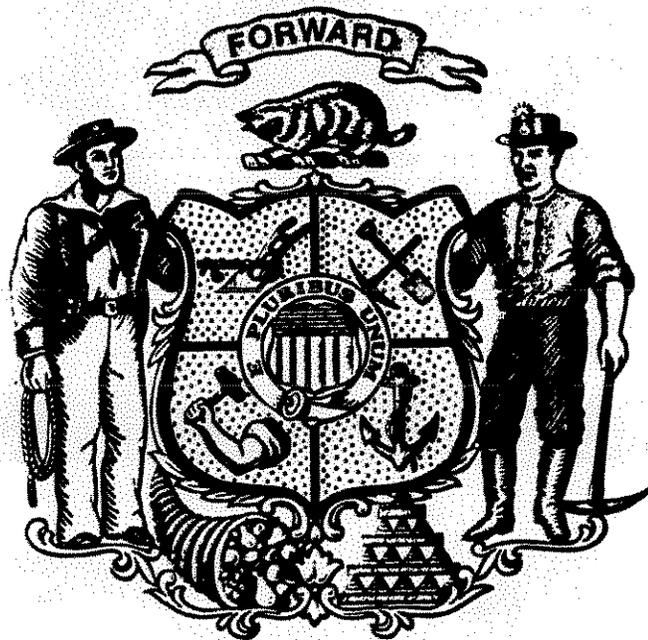
Supreme Court Decision

Reasonable Limits -

What are the problems

What can we do to fix the problems

How do we report on things through the press

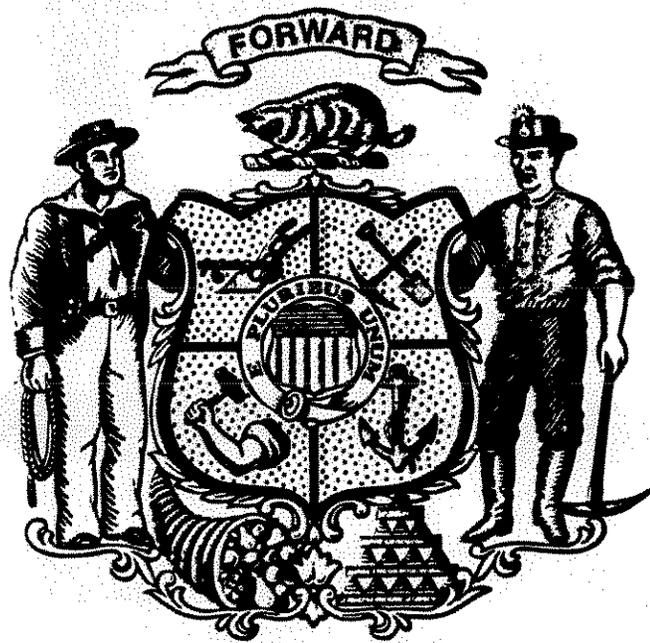


## 38 States Have Gubernatorial Term Limits

<u>State</u>	<u>Year</u>	<u>Length of Terms</u>	<u>Votes Yes</u>	<u>% of Vote</u>
Alabama	1968	4/2	State Legislature	N/A
Alaska	1994	4/2	126,960	63%
Arizona	1992	4/2	1,026,830	74%
Arkansas	1992	4/2	494,326	59%
California	1990	4/2	3,744,447	52%
Colorado	1990	4/2	708,975	71%
Delaware	1787	4/2	State Constitution	N/A
Florida	1992	Governor limited to 8 consecutive years in office.	3,625,500	77%
Georgia	1976	4/2	772,441	64%
Hawaii	1978	4/2	171,518	68%
Idaho	1994	Governor limited to 2 consecutive 4 year terms, then eligible to serve again after a 4 year respite.	234,703	59%
Indiana	1851	Governor limited to 2 consecutive 4 year terms, then eligible to serve again after a four year respite.	State Constitution	N/A
Kansas	1972	4/2	362,173	61%
Kentucky	1992	4/2	540,156	51%
Louisiana	1812	4/2	State Constitution	N/A
Maine	1993	4/2	159,785	68%
Maryland	1947	4/2	162,043	60%
Michigan	1992	4/2	2,323,171	59%
Mississippi	1890	4/2	State Constitution	N/A
Missouri	1821	4/2	State Constitution	N/A
Montana	1992	Governor limited to 8 years in a 16 year period.	264,174	67%
Nebraska	1966	4/2	258,332	63%
Nevada	1970	4/2	259,211	70%
New Jersey	1844	4/2	State Constitution	N/A
New Mexico	1986	4/2	168,850	61%
North Carolina	1977	Governor limited to 2 consecutive 4 year terms, then eligible to run after a 4 year respite.	307,754	53%
Ohio	1992	Governor limited to 2 consecutive 4 year terms, then eligible to run after a 4 year respite.	3,028,288	69%
Oklahoma	1966	4/2	300,954	62%
Oregon	1992	Governor limited to only 8 years.	1,003,706	70%
Pennsylvania	1874	4/2	State Constitution	N/A
Rhode Island	1992	4/2	215,040	60%
South Carolina	1980	4/2	418,937	56%
South Dakota	1972	4/2	182,248	65%

Tennessee	1978	4/2	218,600	57%
Utah	1994	If Governor serves 12 consecutive years he cannot seek re-election.	State Legislature	N/A
Virginia	1851	Governor cannot serve 2 consecutive terms, but can seek re-election after 4 year respite.	State Constitution	N/A
West Virginia	1872	4/2	State Constitution	N/A
Wyoming	1992	Governor limited to 2 terms in a 16 year period.	150,113	77%

*Note: First entry in the column "Length of Terms" refers to number of years per term. Entry following the slash refers to the maximum number of consecutive terms allowed.*



666,000

Shuman.

---

5% State wide

10% Legislative

6% of vote.

~~1/2~~ 1/2 within the the Counties  
of the District

All within the State

Contested Primary

10<sup>2</sup>/<sub>16</sub> en overal opendij

3 1.5

500,00

5

3

~~Jodweg~~  
~~Sherman~~

~~Sherman~~

~~Walker~~

~~Soda~~

~~Jodweg~~

~~Jodweg~~

~~Sherman~~

~~Walker~~

~~Walker~~

~~Miller~~

50

~~Soda~~  
~~Sherman~~

~~Miller~~

~~Sherman~~

~~Soda~~

~~Walker~~

~~Jodweg~~

~~Sherman~~

~~Chosen~~

~~Walker~~

~~Stuber~~

~~Sude~~  
~~Walker~~

~~Ladwig~~  
~~Miller~~

~~Miller~~  
~~Montgomery~~

~~Walker~~

~~Montgomery~~

~~Sude~~

~~Ladwig~~  
~~Miller~~

Item 45

400,000

50% Spending Level

66,000

\$ 264,000

40,000

48%

65% Political Party

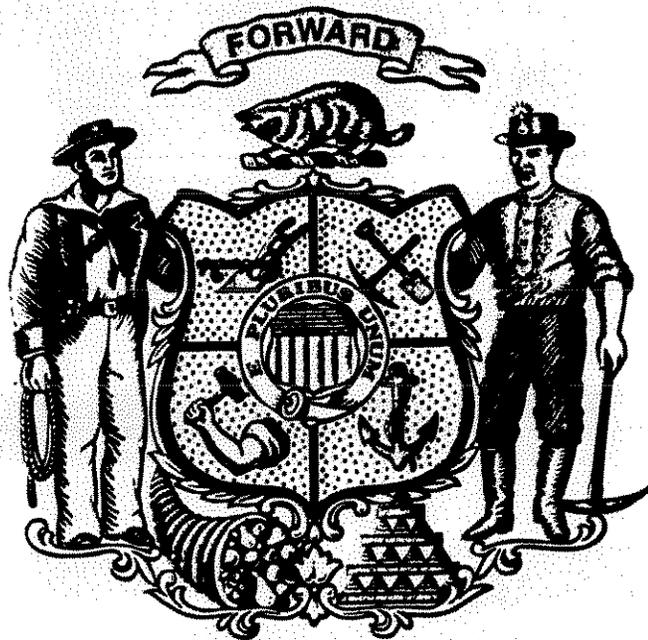
33

22,750	22,750
11,550	21,000
<hr/>	
11,200	

Dual check of

~~1/2~~ 1/2 General

1/2 Party



Moved by Representative Walker, seconded by Representative Montgomery that spending limits for the offices State Constitutional Officers be established at \$250,000 and that Item 48 be included in a comprehensive campaign and elections reform proposal.

Moved by Representative Sherman, seconded by Representative Miller that all statewide candidates raise 10% of the spending limit in their respective campaigns with the exception of gubernatorial candidates who shall raise 5%. Motion carried

**Item 51 Include a cost of living escalator for spending limits (6-2, Suder and Ladwig, Not voting, Walker)**

Moved by Representative Miller, seconded by Representative Sherman to include a cost of living escalator in the calculation for spending limits as Item 51 in a comprehensive campaign and elections reform proposal. Motion carried.

**Item 52 Establish the political party contribution at 60% for all offices (8-0, Not voting, Walker)**

Moved by Representative Freese, seconded by Representative Ladwig that the portion of the spending limits for a candidate that a political party contributes be established at 60% of the total amount required to be raised. Motion carried.

Moved by Representative Walker, seconded by Representative Montgomery that spending limits for the offices State Constitutional Officers be established at \$250,000 and that Item 48 be included in a comprehensive campaign and elections reform proposal.

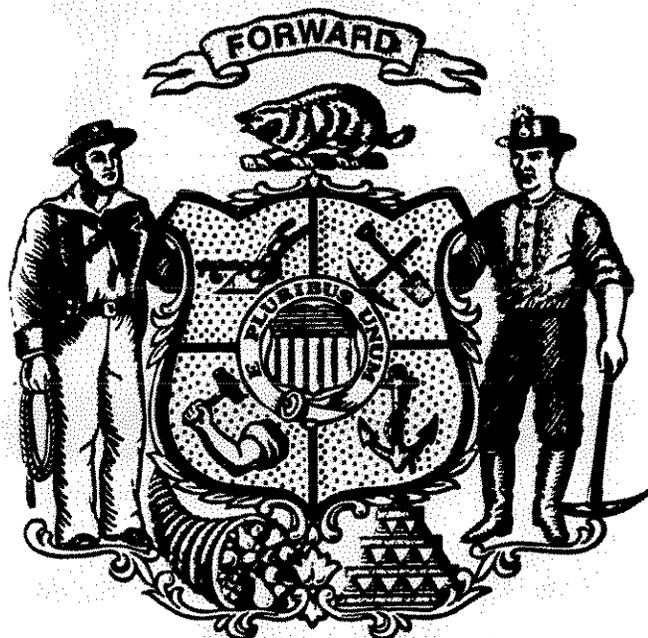
Moved by Representative Cullen, seconded by Representative Montgomery that the spending limit for the office of Superintendent of Public Instruction be established at \$250,000 and the spending limits for the offices of Secretary of State and State Treasurer be established at \$100,000. Motion carried.

**Item 49 Spending Limits established for State Senate and Assembly (8-1, Suder)**

Moved by Representative Sherman, seconded by Representative Walker that spending limits for the offices State Senate and Assembly be established at \$70,000 and \$35,000 respectively and that Item 48 be included in a comprehensive campaign and elections reform proposal.

**Item 50 Establish WCEF grant qualifications (7-1, Cullen, Not voting Walker)**

Moved by Representative Freese, seconded by Representative Ladwig that Item 50 establish the WCEF grant qualifications as raise 10% of the spending limit with 50% from counties in the legislative district for which office is being sought. For statewide office 100% of the money raised must be from within the state. WCEF Grant recipients must achieve



(6.55)  
(CONTINUED)

be satisfactorily resolved and the elector permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

(5) Any person who violates this section may be punished as provided in ss. 12.13 (3) (g) and 12.60 (1) (b).

(6) The governing body or board of election commissioners of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in the municipality by special registration deputies appointed by the municipal clerk or board of election commissioners at any polling place or other registration location whenever the clerk or board of election commissioners determines that the registration process provided for in that subsection will be facilitated thereby. The deputies shall be specially appointed by the clerk or board of election commissioners for one election only to conduct elector registration only.

(7) (a) For purposes of this section, a form of identification constitutes acceptable proof of residence if it includes:

1. A current and complete name, including both the given and family name; and

2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.

(b) If an elector's address has changed since a piece of identification was issued, the new information may be typed or printed on the identification by hand, in ink.

(c) Forms of identification which constitute acceptable proof of residence under this section, when they contain the information specified in par. (a), include the following:

1. A Wisconsin motor vehicle operator's license.

2. A Wisconsin identification card issued under s. 125.08, 1987 stats.

3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.

4. A credit card or plate.

5. A library card.

6. A check-cashing or courtesy card issued by a merchant in the normal course of business.

7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.

8. A residential lease which is effective for a period that includes election day.

9. A university, college or technical institute fee card.

10. A university, college or technical institute identification card.

11. An airplane pilot's license.

12. A gas, electric or telephone service statement for the period commencing not earlier than 90 days before election day.

(d) Forms of identification specified in par. (c) which are valid for use during a specified period shall be valid on the day of an election in order to constitute acceptable proof of residence at that election.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192.

### 6.56 Verification of voters not appearing on list.

(1) The list containing the names of persons voting under ss. 6.29 and 6.55 (2) and (3) shall be returned together with all forms and certificates to the municipal clerk.

(2) Upon receipt of the list, the municipal clerk shall make a check to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk shall correct the registration list. If the address on the registration list is not correct, the clerk shall correct the address. The clerk shall then notify the elector by postcard when he or she is properly registered. If such person is found not to be properly registered, the

clerk shall send the person a 1st class letter with that information, containing a mail registration form under s. 6.30 (4). The letter shall be marked "ADDRESS CORRECTION REQUESTED". If such letter is returned undelivered, or if the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election, the clerk shall notify the district attorney.

(3) The municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) upon receipt of the list under sub. (1). The audit shall be made by 1st class postcard. The postcard shall be labeled "ADDRESS CORRECTION REQUESTED" or "DO NOT FORWARD—RETURN POSTAGE GUARANTEED". If any postcard is returned undelivered, or if the clerk or board of election commissioners is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk or board shall remove the elector's name from the registration list, mail the elector a notice of the removal and provide the name to the district attorney for the county where the polling place is located.

(4) After each election, the municipal clerk shall carefully check to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter with return receipt and address correction requested, informing him or her that all registrations relating to that person may be canceled within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of such letter and any subsequent information received from or about the addressee shall be sent to the district attorney.

(5) Whenever any letter or postcard mailed under this section is returned undelivered, or whenever the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election or whenever it otherwise appears that a person has voted who is not qualified or has voted more than once in an election, and the person has been permitted to vote after corroboration was made under s. 6.55 (2) or (3), the name of the corroborator shall also be provided to the district attorney.

(6) The municipal clerk may not disqualify an elector under this section except upon the grounds and in accordance with the procedures specified in s. 6.325.

**History:** 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192.

### 6.57 Registration list for school and special elections.

If the registration list has not been revised in time to be used at any school or special election, the registration list used at the last preceding general or municipal election plus a supplementary list shall be used for the election. Before issuing the supplementary list the municipal clerk shall add the newly registered electors and strike the names of those electors known to have died or become disqualified since the registration list was last revised.

**History:** 1975 c. 85 s. 30; Stats. 1975 s. 6.57; 1977 c. 394.

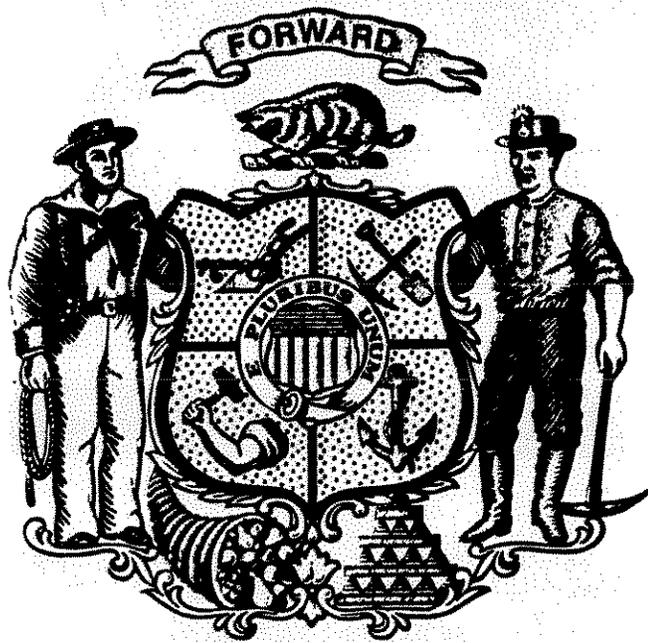
## VOTING

**6.76 Time off for voting.** (1) Any person entitled to vote at an election is entitled to be absent from work while the polls are open for a period not to exceed 3 successive hours to vote. The elector shall notify the affected employer before election day of the intended absence. The employer may designate the time of day for the absence.

(2) No penalty, other than a deduction for time lost, may be imposed upon an elector by his or her employer by reason of the absence authorized by this section.

(3) This section applies to all employers including the state and all political subdivisions of the state and their employees, but

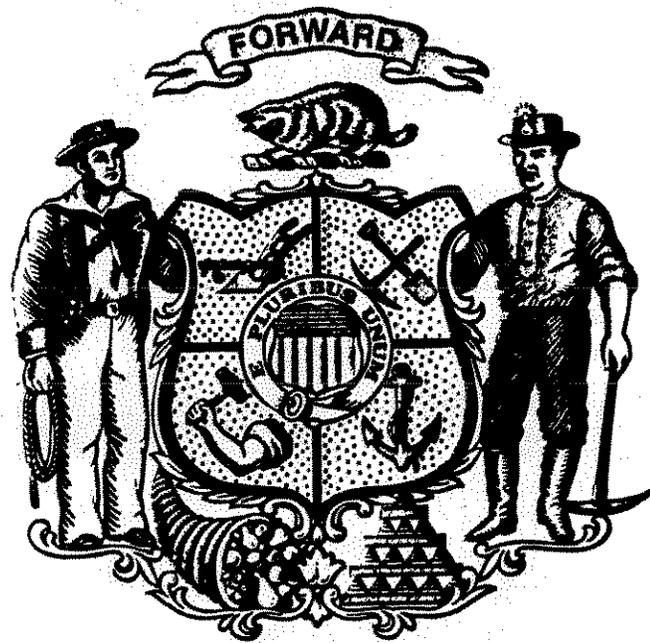
This distribution has been authorized by \_\_\_\_\_ Signature



COUNTY	DEM	REP	REF	WGR	TAX	LIB	NPR	PARTIAL	NONE
Marinette	0	0	0	0	0	0	0		X
Marquette	0	0	0	0	0	0	0		X
Menominee	0	0	0	0	0	0	0		X
Milwaukee	83,445	32,622	97	177	346	251	58		
Monroe	0	0	0	0	0	0	0		X
Oconto	0	0	0	0	0	0	0		X
Oneida	1,364	1,529	4	4	4	4	1	X	
Outagamie	0	0	0	0	0	0	0		X
Ozaukee	2,024	6,678	8	2	9	8	0		
Pepin	0	0	0	0	0	0	0		X
Pierce	563	466	2	3	3	1	0	X	
Polk	0	0	0	0	0	0	0		X
Portage	2,189	1,183	3	3	12	16	3	X	
Price	0	0	0	0	0	0	0		X
Racine	14,014	11,779	23	10	62	47	10		
Richland	0	0	0	0	0	0	0		X
Rock	8,195	4,788	15	9	50	38	5	X	
Rusk	0	0	0	0	0	0	0		X
St. Croix	1,352	2,016	3	0	0	4	0		
Sauk	0	0	0	0	0	0	0		X
Sawyer	0	0	0	0	0	0	0		X
Shawano	0	0	0	0	0	0	0		X
Sheboygan	4,837	6,285	46	9	54	29	8		
Taylor	0	0	0	0	0	0	0		X
Trempealeau	0	0	0	0	0	0	0		X
Vernon	0	0	0	0	0	0	0		X
Vilas	0	0	0	0	0	0	0		X
Walworth	2,610	5,058	16	0	7	17	0		
Washburn	0	0	0	0	0	0	0		X
Washington	3,075	9,929	12	3	37	21	5		
Waukesha	14,002	38,521	33	12	135	84	15		
Waupaca	0	0	0	0	0	0	0		X
Waushara	0	0	0	0	0	0	0		X
Winnebago	5,572	10,334	20	16	77	0	0		
Wood	1,173	1,387	5	3	24	7	2	X	
<b>TOTAL</b>	194,42	178,417	3925	3193	11612	8067	1432		

## COUNTY CLERK RESPONSES TO STRAIGHT PARTY VOTING QUESTIONNAIRE

COUNTY	DEM	REP	REF	WGR	TAX	LIB	NPR	PARTIAL	NONE
Adams	0	0	0	0	0	0	0		X
Ashland	0	0	0	0	0	0	0		X
Barron	333	181	0	0	0	0	0		
Bayfield	0	0	0	0	0	0	0		X
Brown	647	1,096	3	0	0	1	0	X	
Buffalo	0	0	0	0	0	0	0		X
Burnett	0	0	0	0	0	0	0		X
Calumet	0	0	0	0	0	0	0		X
Chippewa	0	0	0	0	0	0	0		X
Clark	0	0	0	0	0	0	0		X
Columbia	2,447	3,399	4	3	20	12	2		
Crawford	0	0	0	0	0	0	0		X
Dane	23,532	13,223	22	20	82	125	0		
Dodge	1,925	4,232	10	0	17	12	0		
Door	745	1,439	4	0	1	1	0		
Douglas	1,543	584	1	1	12	11	0		
Dunn	0	0	0	0	0	0	0		X
Eau Claire	4,635	3,885	12	7	25	25	6		
Florence	0	0	0	0	0	0	0		X
Fond du Lac	1,416	3,612	5	3	8	4	0	X	
Forest	0	0	0	0	0	0	0		X
Grant	0	0	0	0	0	0	0		X
Green	0	0	0	0	0	0	0		X
Green Lake	0	0	0	0	0	0	0		x
Iowa	0	0	0	0	0	0	0		X
Iron	0	0	0	0	0	0	0		X
Jackson	0	0	0	0	0	0	0		X
Jefferson	2,050	3,348	3	3	29	15	2		
Juneau	0	0	0	0	0	0	0		X
Kenosha	0	0	0	0	0	0	0		X
Kewaunee	847	694	3	5	15	2	2		
La Crosse	3,428	3,909	13	15	65	35	17		
Lafayette	0	0	0	0	0	0	0		X
Langlade	0	0	0	0	0	0	0		X
Lincoln	1,260	1,067	5	2	12	9	2		
Manitowoc	0	0	0	0	0	0	0		X
Marathon	5,205	5,173	20	9	55	27	5	X	

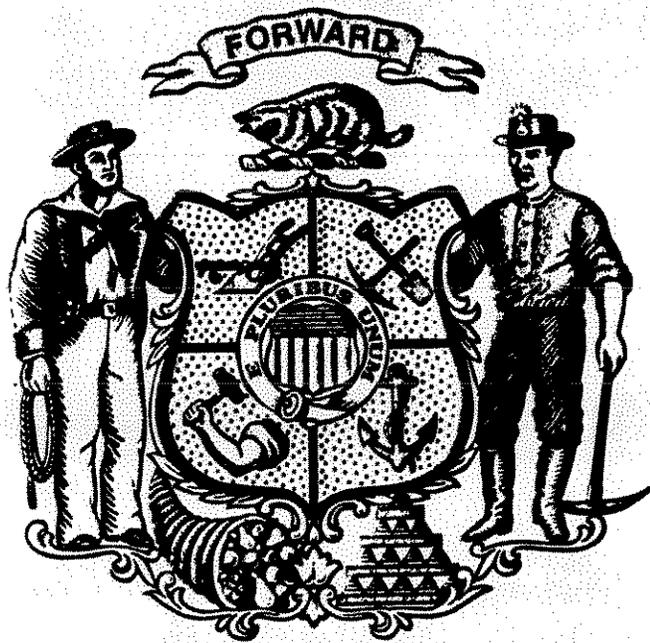


**EIBd 1.28 Scope of regulated activities; election of candidates (1) Definitions.** As used in this rule: ...

(2) Individuals other than candidates and committees other than political committees are subject to the applicable disclosure-related and recordkeeping-regulated requirements of ch. 11, Stats., only when they:

(c) Make expenditures for the purpose a communication containing terms such as the following or their functional equivalents with reference to a clearly identified candidate that expressly advocating advocates the election or defeat of an identified that candidate and that unambiguously relates to the campaign of that candidate:

1. "Vote for;"
2. "Elect;"
3. "Support;"
4. "Cast your ballot for;"
5. "Smith for Assembly;"
6. "Vote against;"
7. "Defeat;"
8. "Reject."



# Billions in tax cuts emerging

## Governor's aide says compromise budget forming

...ing negotiated.  
 ...in that range," Wood  
 ...the \$900 million figure.  
 ...re's no reason, with  
 ...nd of surplus, not to  
 ...x cuts to the people.  
 ...o. 1 priority has to be  
 ...s in this budget."  
 ...officials are projecting  
 ...Wisconsin will have a  
 ...s of about \$1 billion by  
 ...001.

Although Wood would not specify the mechanisms for doling out those cuts, he said property tax relief through the state lottery tax credit and permanent income tax cuts have been given heaviest consideration.

But Wood said a sales tax rebate plan is still on the table for consideration.

Under that plan, residents

would receive checks totaling \$950 million in December.

Negotiations on the \$41 billion, 1999-2001 state budget broke down July 15, after Assembly Republicans demanded that Senate Democrats agree to the size of tax cuts before considering any new spending.

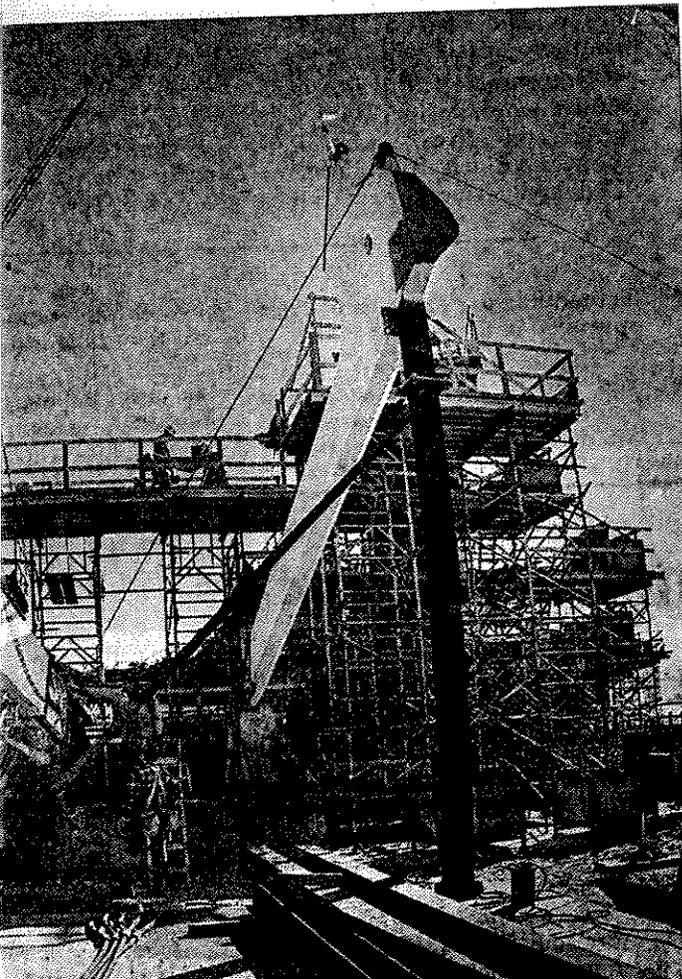
A conference committee trying to craft a compromise

budget has met once since then, although talks have been going on behind the scenes.

Those close to the budget process say even if a handshake agreement between Assembly Speaker Scott Jensen (R-Town of Brookfield) and Senate Majority Leader Chuck Chvala (D-Madison) is struck, the conference committee might not meet until early next week to approve

Please see **BUDGET** page 6

## Works of art



# Elections Board moves to regulate advocacy ads

**Panel adopts rule after high court decision favoring business group**

By **STEVEN WALTERS**  
 of the *Journal Sentinel* staff

**Madison** — The state Elections Board Wednesday approved the first rule to regulate "express advocacy" ads, which criticize or praise specific candidates running for the Legislature but stop just short of telling voters exactly how to vote.

If approved by committees of the Legislature, and if it survives an expected court challenge, the rule could be in

place for the November 2000 elections, which will determine control of the Legislature, said Elections Board Executive Director Kevin Kennedy.

In a rare show of unity, the board unanimously adopted the rule in response to a July 7 decision by the state Supreme Court.

In that major political free-speech ruling, the court threw out the Elections Board's efforts to regulate the ads and require groups running them to disclose who paid for them. The board may have legal authority to regulate the ads, the

Please see **ADVOCACY** page 7

# ension/ Letter Draws fire Advocacy/Elections Board adopts campaign ad rule

From page 1

Tuesday, the day Nor-

submitted a 2000 budget to  
common Council that in-  
a property tax hike, lay-  
and other cuts to deal with  
financial hit of losses in a se-  
pension lawsuits.

is a letter sent out to  
directly interested in a  
action by government,"  
Norquist spokesman Jeff  
ng. "It's not an unusual  
for us to do. It's not cam-  
information."

ning could not say what  
ailing cost was, but at 13.9  
a letter — the postage  
at on the envelopes — the  
ge alone would put the  
at about \$1,200. That  
es, or the cost of the  
itself.

ading scapegoats won't  
about a pension settle-  
"Kalwitz said. "The fact is,  
on't burn bridges and you  
dn't rub salt in the  
ds."

ers had even harsher  
ents. DeBraska, president  
Milwaukee Police Associ-  
said his attorneys are  
g into whether Norquist  
ropriately contacted any  
iffs in the various lawsuits  
st the city.

From page 1

court said, but it had never  
adopted standards to do so.

The court ruling was a victory  
for the state's largest business  
group, Wisconsin Manufactur-  
ers & Commerce, which ran  
1996 express-advocacy ads that  
targeted Democratic legislators  
and praised Republican candi-  
dates.

For example, WMC in fall  
1996 ran an ad with this ending  
that criticized state Sen. Chuck  
Chvala (D-Madison), who was  
then up for re-election: "Make  
another right call to Chuck  
Chvala... He never met a tax  
hike he didn't like."

Elections Board member  
Christine Wiseman, a Mar-  
quette University law school  
professor, Wednesday pushed  
the eight-member panel to fi-  
nally adopt a rule regulating the  
ads. She and another board  
member, Don Millis, reworked  
it until opposition dissolved.

"Are we going to take the risk  
or not? Are we going to go for-  
ward?" Wiseman asked. "The  
court has invited us to go forth  
and make a rule."

Board Chairman Randy Nash  
said there is a "compelling state

interest" in regulating the ads.  
Legislators have told the board  
to act on the issue, Nash added,  
because the Legislature may not  
act on major campaign-finance  
reforms.

The rule says the board can  
regulate any political "commu-  
nication" or the "functional  
equivalent" — a term not even  
board members could define —  
of communication that "advoc-  
ates the election or defeat of  
that candidate, and that unam-  
biguously relates to the cam-  
paign of that candidate."

Also, the rule specifically ap-  
plies to terms in ads such as  
"vote for," "elect," "support,"  
"cast your ballot for," "vote  
against," "defeat" and "reject"  
— words taken almost directly  
from a U.S. Supreme Court rul-  
ing in the 1970s that established  
the free-speech right of corpora-  
tions and other groups to run  
campaign ads.

Although board members  
backed the new rule, some of  
them wondered whether it  
would really lead to Elections  
Board regulation of the ads or  
simply prompt major special-in-  
terest groups who want to elect  
their candidates to adopt new  
tactics.

"No matter what we do...  
they're going to find a way  
around it," said board member  
Judd Stevenson.

Although he voted for the  
rule, board member Greg Para-  
disse said: "I think it's very im-  
portant that we protect the right  
of individuals and businesses to  
speak anonymously. ... I don't  
blame people who want to  
spend money right before  
there's an election because  
that's when people have their  
'ears' on."

WMC's chief legislative and  
political strategist Jim Buchen,  
called the new rule "as good as  
any" in offering advice to  
groups planning to run future  
express advocacy ads. WMC  
spent about \$400,000 on those  
types of ads in five 1998 cam-  
paigns for the Legislature.

Susan Armacost, the chief  
lobbyist for the state's largest  
anti-abortion group, Wisconsin  
Right to Life Inc., said she did  
not expect her group to oppose  
the new rule. Wisconsin Right to

Life spent about \$200,000 on ex-  
press advocacy ads in 1998, she  
estimated.  
But Jay Heck, executive direc-  
tor of Common Cause, criticized  
the rule.  
"This doesn't give clear direc-  
tion to the Legislature," Heck  
said. "It is not a bright-line rule  
that can be clearly understood.  
... It will be litigated."  
Wednesday's vote by the  
board means the rule will be  
formally submitted in upcoming  
weeks to the Legislature, which  
could block it.

C. No. 62  
**NOTICE OF  
PUBLIC HEARING ON THE  
CITY OF MILWAUKEE  
PROPOSED BUDGET FOR 2000**

The COMMON COUNCIL and the MAYOR will hold a joint public hearing on the City of Milwaukee Proposed Executive Budget for the year 2000. This notice is published in accordance with the Wisconsin Statutes 65.20 and the Milwaukee City Charter.

The hearing will be held as follows:  
DATE: Monday, October 11, 1999  
TIME: 6:30 P.M.  
PLACE: Common Council Chambers  
Third Floor, City Hall  
200 E. Wells Street  
Milwaukee, Wisconsin

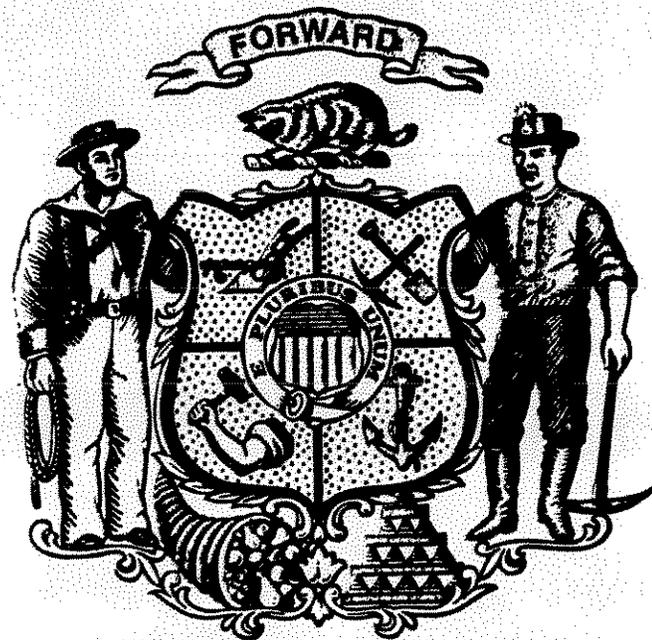
In addition to the published budget summary information shown below, interpretive booklets entitled, "2000 PROPOSED PLAN AND EXECUTIVE BUDGET SUMMARY" will be available October 11. Interested citizens may procure a copy at Room 307, City Hall, or at the public hearing.  
JOHN O. NORQUIST  
Mayor  
RONALD D. LEONHARDT  
City Clerk



IF IT HAPPENS, IT'S HERE.

## CITY OF MILWAUKEE 2000 PROPOSED BUDGET SUMMARY

In accordance with chapter 65 of the Wisconsin Statutes and Milwaukee City Charter 18.04(1), a summary statement of the proposed budgeted amounts for the year 2000 and the principal sources of revenue is hereby published as a matter of information.  
MAYOR, JOHN O. NORQUIST



# Five New Ideas

To Deal With the Problems Posed by Campaign Appeals  
Masquerading as Issue Advocacy

Brennan Center for Justice at NYU School of Law

May 24, 2000



RENNAN CENTER FOR JUSTICE  
AT NYU SCHOOL OF LAW

E. JOSHUA ROSENKRANZ  
PRESIDENT & CHIEF EXECUTIVE OFFICER

May 24, 2000

Dear Friend,

Contained in this booklet are the recommendations of a Brennan Center Policy Committee convened to consider and respond to the troubling problem of sham "issue advocacy" in American elections.

The Policy Committee is composed of leading scholars, former Members of Congress, and other highly regarded practitioners of law and politics. Though none of these recommendations is a silver bullet, together they represent important, new thinking capable of breaking the gridlock that has stalled campaign finance reform:

1. *Make disclaimers more prominent.*
2. *Increase access to existing information about media buys.*
3. *Require full disclosure of the true identity of sponsors of media buys.*
4. *Adjust the Bright-Line Test.*
5. *Treat all advertising sponsored by political parties as electioneering.*

These "Five New Ideas" and the work of the Policy Committee are part of the Brennan Center's ongoing study of campaign advertising in congressional elections. Our just published report, *Buying Time: Television Advertising in the 1998 Congressional Elections*, analyzed data from more than 300,000 ads aired in 1998 and created the first national overview of candidate, party and interest group advertising. The findings in *Buying Time* provide a factual underpinning for the Policy Committee's work, distinguishing these recommendations from other campaign finance reform proposals.

The entirety of this project is possible because of the support of the Pew Charitable Trusts. For more information on the Brennan Center's project on political advertising, to order *Buying Time*, or to obtain additional copies of "Five New Ideas," visit [www.brennancenter.org](http://www.brennancenter.org), or call Amanda Cooper at (212) 998-6736.

Thank you for your interest.

Very truly yours,

**Brennan Center for Justice**  
**Policy Committee on Political Advertising**

**Jonathan S. Krasno**  
Former Senior Policy Analyst  
Brennan Center for Justice  
Co-Principal Investigator

---

**Prof. Kenneth Goldstein**  
Department of Political Science  
Arizona State University  
Co-Principal Investigator

---

**Hon. John Brademas**  
Former Representative, Indiana  
Former President, New York University

**Thomas E. Mann**  
W. Averill Harriman Fellow  
Brookings Institution

**Prof. Susan R. Estrich**  
Robert Kingsley Professor of Law & Political  
Science  
University of Southern California Law Center

**Newton N. Minow**  
Former FCC Commissioner  
Sidley & Austin

**Hon. Vic Fazio**  
Former Representative, California  
Clark and Weinstock

**Nancy Northup**  
Director, Democracy Program  
Brennan Center for Justice

**Prof. Kathleen Hall Jamieson**  
Dean, Annenberg School of Communications  
University of Pennsylvania

**Hon. Leon Panetta**  
Former Representative, California  
Institute Director, Panetta Institute  
California State University, Monterey Bay

**Jerome Kohlberg, Sr.**  
Kohlberg & Company

**Hon. Linda Smith**  
Former Representative, Washington  
Shared Hope International

**Charles E.M. Kolb**  
President  
Committee for Economic Development

**Hon. Al Swift**  
Former Representative, Washington  
Colling Swift & Hynes

**Prof. David B. Magleby**  
Department of Political Science  
Brigham Young University

# Five New Ideas to Deal With the Problems Posed by Campaign Appeals Masquerading as Issue Advocacy

## Introduction

For years, campaign finance has been one of the toughest issues facing policymakers in Washington and elsewhere. Reformers have pushed for new laws to achieve a number of worthy goals, from protecting against the potentially corrupting influence of campaign contributions and reducing the appearance of corruption, to attracting new kinds of candidates to the political process, and shifting legislators' focus from fundraising to policy making. Opponents have fought equally hard to prevent reform, arguing, among other things, that campaign finance laws stifle First Amendment rights by limiting what contributors can give and how candidates and other interested parties may speak to the public.

Nothing exemplifies the tension between free expression and the need for reasonable regulation more than the rise of what has become known as "issue advocacy." In *Buckley v. Valeo*, the landmark 1976 campaign finance decision, the Supreme Court had to decide how to draw a line between electioneering and other political speech because the newly enacted Federal Election Campaign Act (FECA) did not clearly define the types of activities that would be subject to regulation. The Supreme Court was concerned that, without a precise definition, issue discussion might be "chilled" because advocacy organizations would not know whether their speech was covered by the vague language, and the statute might regulate conduct that is not in fact electioneering. (Significantly, the Court was not concerned about political parties, whose predominant interest is to influence elections.) Confronted with an inadequate definition, the Court created its own limiting language, holding that only those communications that "expressly advocated" the election or defeat of a candidate would be considered electioneering covered by FECA. In a footnote, the Court gave examples of "express words of advocacy," such as "vote for," "elect," "support," and "defeat."

In recent years, interest groups and political parties have seized on this "loophole" in the federal campaign finance laws with a vengeance, creating advertisements that look, sound, and feel exactly like campaign commercials, but simply avoid using so-called "magic words" of express advocacy. Although the sponsors of such advertisements often claim that they are engaged in issue advocacy rather than electioneering, in practice the primary "issue" that is being discussed is usually the fitness of a particular candidate for public office.

Participants in the political arena, by simply eschewing the use of the magic words of express advocacy, have been able to turn the world of campaign finance upside down, threatening the three pillars of federal campaign finance law: contribution limits, financial source restrictions, and disclosure requirements. By arguing that their activities are not electioneering, parties and interest groups are able to solicit unlimited sums from donors. For more than half a century, Congress has banned corporations and labor unions from influencing federal elections, but now corporations and labor unions use this narrow definition of electioneering to claim their activities are not electoral and spend millions from their treasuries. Finally, everyone agrees that the best feature of the campaign finance system is its transparency, but these new campaigners are able to avoid the campaign finance laws' disclosure requirements and operate in near secrecy.

This secrecy is a particular problem for policymakers trying to preserve the integrity of our elections. Absent facts about the electioneering that is escaping regulation, the debate over campaign finance proposals has turned into a battle of hypotheticals, particularly regarding how proposals would affect First Amendment rights. Instead of a reasoned debate about what interest groups and political parties running these ads really say and do, discussions of campaign reform seem characterized by apocalyptic anecdotes, rampant speculation, and of course, deadlock.

The result has been a growing despair about reforming the campaign finance system. Each election brings new developments that make the campaign finance system more appalling. Even as editorialists have inveighed against the phenomenon of campaign ads masquerading as issue advocacy and Senator McCain's campaign highlighted these concerns for millions of voters, many have grown ever more pessimistic that any solution can ever be achieved. Despite the growing chorus of voices arguing that change is needed, even those most desirous of reform have begun to wonder whether it is possible to overcome the political and legal obstacles.

Against this backdrop, the Brennan Center for Justice created this committee to examine the role of "issue advocacy" in elections. Other committees have tackled the same subject, but what made our effort unique was an important new development – the creation of the most comprehensive data set ever developed about political advertising on television, including issue advocacy and electioneering. This resource shed remarkable light on the world of issue advocacy, both the genuine and fake varieties, and allowed us to consider policy proposals based on a solid foundation of fact.

Our members bring a range of viewpoints, experiences, and expertise to this debate: we include Republicans and Democrats, former Members of Congress and White House staff, business leaders, and scholars of law and politics, and we bring experience in both campaigning and governing. Given this range of experience, we also brought a variety of concerns about the problems posed by sham issue advocacy. What unites us is the conviction that the campaign finance system must be reformed to benefit candidates, parties, interest groups, and, most of all, citizens.

We believe that the recommendations below accomplish that goal. Each is worthy of careful consideration. We have used the information about television advertising to uncover problems with the current system and design solutions based on fact, not speculation. The ideas we have come up with in some cases are new and in some cases support approaches currently being advocated. Taken separately, each idea offers a specific and important improvement on the current system. Taken together, these proposals have the potential to promote more meaningful elections and to restore common sense to the campaign finance system – all without creating significant new government bureaucracies or endangering genuine political speech.

We divide our recommendations into three parts: 1) enhancing disclosure; 2) distinguishing between electioneering and genuine issue speech; 3) distinguishing among speakers. We present the specific problem we are addressing, our proposed solutions, and an analysis and discussion.

## **I. Enhancing Disclosure**

Although proposals for campaign finance regulation often arouse dissent and controversy, almost no one argues against the need for clear and timely disclosure of the sponsorship of election advertisements. Even bills such as that introduced by Rep. John Doolittle (R-CA) in the House last year, which called for almost total deregulation of the federal campaign finance system, still contained relatively strong disclosure requirements. As the *Buckley* Court recognized, disclosure is often the least restrictive means for satisfying the compelling government interests that undergird campaign finance reform legislation. Thus, comprehensive disclosure requirements, which are an integral part of a well-functioning marketplace of ideas, raise few serious First Amendment issues.

A fully effective system of disclosure would ensure that, a) the name of the sponsor of an advertisement appears clearly within the ad and that, b) basic information about the sponsors of election advertisements is publicly available. Unfortunately, both of these basic pieces of information were often hard to come by in 1998.

Disclaimers, the portion of the ad that reads “Paid for by . . .”, are for most people the only means to learn who sponsored the ad they are seeing, but even this minimal piece of information was missing from a sizable number of ads in 1998. The sponsorship of slightly less than one quarter of ads in our study was either missing or illegible. Of this 25 percent, 79 percent were candidate ads, 11 percent were party ads, and 11 percent were interest group ads. Despite the existence of Federal Communications Commission regulations in this area, discerning sponsorship proved to be surprisingly difficult.

Gaining meaningful information about ad sponsors was often difficult in 1998, as new groups with unclear purposes and backgrounds emerged. A group called “We the Parents,” for

example, ran ads in several key presidential primary states featuring presidential hopeful Lamar Alexander. This "group" was in fact a political committee based in Virginia, where it could receive unlimited contributions, was headed by Alexander (until he officially announced his candidacy) and had no activities apart from sponsoring these ads. Other groups, such as the "Committee for Fairness" and the "Committee for Common Decency," were formed close to the election and ran ads without clues as to who was behind them.

The problem of front groups with mystery donors is not going away, as demonstrated by the recent controversy surrounding ads purchased by Texas billionaire Charles Wyly, a longtime supporter of George W. Bush and a member of his "Pioneers" fundraising group. Wyly and his brother together spent some \$2.5 million funding a series of ads touting Governor Bush's environmental record in three battleground states on the eve of the Super Tuesday Republican presidential primary. These ads identified "Republicans for Clean Air" as their sponsor, although Wyly and his brother later admitted to having paid for the ads, and the sponsoring organization did not even exist until the ads were planned and purchased. Finally, interest groups, and even officeholders, have formed organizations under section 527 of the tax code, which they claim allows them to raise unlimited funds for political activities without disclosure requirements, provided they do not use the "magic words" of express advocacy.

So the cracks in the disclosure regime, first visible in 1996, are now threatening to widen. One way to make the sponsorship of ads more transparent without establishing new standards for electioneering would be to use the existing statutory authority of the Federal Communications Commission (FCC). The FCC's rules apply to all noncommercial speech; their enforcement does not depend on whether an ad uses "magic words." Specifically, three separate steps might be attempted: 1) requiring disclaimers on ads to be more prominent, 2) increasing access to existing information about media buys, and 3) preventing sponsors of political ads from hiding their identities.

***Recommendation #1: Make disclaimers more prominent.***

**Problem:**

The sponsorship of 25% of 1998's ads in our study was impossible to discern.

**Solution:**

Enforce existing FCC rules on disclaimers and adopt stronger requirements for the display of sponsor information within all political advertisements.

**Analysis:**

Current FCC rules maintain that sponsorship of ads with political content – whether or not they are sponsored by a candidate – must be "identified with letters equal to or greater than

four percent of the vertical picture height” and must air “for not less than four seconds.”<sup>1</sup> This applies to all political ads, including ones that are not explicitly campaign-related but simply “political matter or matter involving the discussion of a controversial issue of public importance,” a test that includes true issue advocacy. Both the size and duration of the disclaimer could be increased, along with controls insuring that the background does not render it illegible (i.e. no black text on black background, white text on white background). In addition, it may be worthwhile to require that the sponsors of the ad be identified orally as well as visually.

This should be an uncontroversial idea. There is ample precedent for requiring a greater proportion of a commercial to be devoted to disclaimer messages. If pharmaceutical companies are required to provide relatively extensive messages on the potential risks of their products, then certainly political advertisers should not object to taking a few minor steps to decrease the possibility of voter confusion.

***Recommendation #2: Increase access to existing information about media buys.***

**Problem:**

Basic information on sponsorship is often difficult to track down.

**Solution:**

Require the FCC to promulgate forms for disclosure and create a central repository for public access.

**Analysis:**

For all political ads, FCC regulations mandate that their sponsors file organizational paperwork with the broadcast station for public inspection. The required organizational information includes a list of the members of the group’s executive committee, board of directors, or chief executive officers. All radio and television broadcast stations and cable operators are required to keep this information available for public inspection during regular business hours.

Despite these requirements, records can be sloppy and access to the data less-than-willingly granted. The FCC could promulgate forms for disclosure and provide a central repository (perhaps at FCC headquarters or via the web) to allow easier access for citizens and journalists. Creating a clear process for disclosure of ad buys through a standardized form and through requiring stations to share this information does not represent a large change for political advertisers, who are already required to disclose their identity; it would only be part of an attempt to improve and make more transparent this already existing process.

---

<sup>1</sup>47 CFR 73.1212, section (a)(1)(ii).

Creating a central repository for ad buy records would, however, be a welcome change. The Federal Election Commission (FEC), whose ability to provide financial information on candidates and parties to the public is widely praised, presents itself as a model for what is possible. The FEC has also made great strides in making information available via the Internet, something the FCC or a new data center could also do.

***Recommendation #3: Require full disclosure of the true identity of sponsors of media buys.***

**Problem:**

The emergence of front groups running ads without meaningful disclosure of their backers.

**Solution:**

Prevent sponsors of political ads from hiding their identities by requiring full disclosure of basic information to television stations and giving clear direction to television stations on these requirements.

**Analysis:**

The FCC requires that the sponsorship identification provided in the ad itself must “fully and fairly disclose the true identity” of the organization paying for the ad. If the person placing the ad is known to be an agent for someone else or the station could determine that with “reasonable diligence,” the ad must disclose the identity of the actual sponsor of the advertisement. The regulation's scope has been substantially unexplored by the courts, and its constitutionality has not been ruled on. However, in 1996, the FCC found that a number of stations in Oregon failed to properly identify ad sponsors during an anti-smoking campaign and had failed to exercise reasonable diligence to determine the true identity of the sponsors. In that action, the ads identified “Fairness Matters to Oregonians Committee” as the sponsor, although the Tobacco Institute funded, designed, and implemented the advertisements. Notably, the FCC did not impose sanctions because the stations lacked guidance from the Commission on how they were supposed to proceed in these situations. Given the proliferation of groups such as these, it is more clear than ever that new rules for what constitutes full and fair disclosure are necessary.

The FCC's rules provide the lever to force advertisers such as “Republicans for Clean Air” to fully disclose their true identities – including contact information and the names of the group's principals – and require stations to exercise reasonable diligence in assembling this information. This information could be incorporated into the disclaimer within the ad or may simply be available to those who review the station's records of media buys. Requiring groups running political ads to disclose basic information (for example, a physical address, not a post office box) does not approach what groups running independent expenditures disclose to the FEC, but it provides a minimum level of information to citizens and journalists, who can then make more informed evaluations of the claims made in the ads they see.

These two disclosure requirements – the basic organizational information and the true identity disclosure – provide a hook for getting more information to the public about who is sponsoring the sham issue ads. For these steps to be effective, however, the FCC must provide stations with guidance on how they are supposed to determine the “true identity” of sponsors and what constitutes reasonable diligence when the station doubts that the identified sponsor is the true sponsor. In addition, the FCC must be willing to enforce these rules.

## II. Distinguishing Between Electioneering and Genuine Issue Speech

The Supreme Court’s insight in *Buckley* that campaign finance laws that are too inexact might inadvertently affect speech unrelated to campaigns was undoubtedly correct. None of the members of this Committee wish to see the FEC or other government regulators involved in overseeing debates of the great issues of our day. Yet at the same time, it is beyond reasonable dispute that the so-called “magic words” test – discussed in a three-sentence footnote in the *Buckley* decision – is glaringly deficient when used as a method for differentiating between electioneering and issue speech. In 1998, only four percent of studied candidate ads (which are indisputably electioneering) contained these direct appeals. Campaign communications may once have been typified by entreaties like “vote for,” “defeat” or “support,” but that is clearly no longer the case, rendering the magic words test worthless.

How might we do better? First, we must recognize that, as a legal matter, Congress is not foreclosed from adopting a definition of “electioneering” or “express advocacy” that goes beyond the “magic words” test. When the Supreme Court devised the “express advocacy” test in *Buckley*, it did so in the context of a poorly drafted statute whose definition of regulable electioneering contained problems of both vagueness and overbreadth. The Court found that the regulated conduct, which included spending “relative to a clearly identified candidate” and “for the purpose of influencing an election” was not defined with sufficient precision. The Court adopted a narrowing interpretation of this specific language in order to save the statute from constitutional invalidity. Congress is of course bound by the Supreme Court’s reasoning in *Buckley*, which teaches that regulation of political speech must be drafted clearly and targeted at electioneering rather than true issue advocacy. However, as long as these vagueness and overbreadth concerns are met, Congress is presumably free to draft new legislation that is more effective in achieving its constitutionally valid goals.

The most prominent current proposals for better defining regulable electioneering are “bright-line” tests that are based on a series of measurable factors. The bright-line approach has been adopted in various forms by the main campaign finance proposals before Congress in the last four years, including McCain-Feingold (1998), Shays-Meehan (1998 and 1999), and now-Jeffords (1998). This approach typically uses the calendar to label as electioneering ads that mention or picture a candidate for federal office if the ads appear close – usually within 60 days – to an election. Under the current proposals, the ads are *not* banned; rather they are subject to the same rules about disclosure and funding that affect regular campaign activities.

Examination of 1998's ads shows that 82 percent of the total airings of ads regarded by coders as electioneering would have been captured under a bright-line 60-day approach, and only seven percent of the total airings regarded by coders as genuine issue ads would have been similarly captured. Both numbers are reassuring. The bright-line approach is designed to delineate sham issue ads and, judging from the 82 percent figure, it does so fairly accurately. And the seven percent figure of total airings regarded by coders as genuine issue ads all resulted from multiple airings of only two separate spots. Thus, the bright-line 60-day approach would have been largely successful in allowing genuine issue ads to air without FEC oversight, while capturing the vast majority of electioneering ads that were masquerading as issue ads.

We do not believe that the seven percent of issue-oriented ads that would have fallen under FEC regulation under the bright-line 60-day approach are sufficient to call into question the constitutional validity of the bright-line approach. Nevertheless, the bright-line approach can be further modified to ensure that even small amounts of issue speech are not chilled by the bright-line approach. We suggest two ideas below.

***Recommendation #4: Adjust the Bright-Line Test.***

**Problem:**

While the 60-day bright-line test works fairly well, there is the possibility that it might affect a few legitimate issue ads.

**Solution:**

Build exceptions for geographic targeting and the sponsor's intent into the existing proposal.

**Analysis:**

The study's examination of 1998's commercials shows that just two genuine issue ads would have been subject to regulation under the bright-line approach. The first, an AFL-CIO commercial asking viewers to contact specific Republican senators about S.2661, the patients' bill of rights, appeared in a dozen states in September, including states where the named senators were not up for reelection as well as two where they were. The second issue ad aired only in Nevada and asked viewers to contact the winner of the upcoming Senate race – naming John Ensign and Harry Reid – and tell them to support lower taxes. While taxes were one of Ensign's main campaign themes, nothing about the ad betrayed any preference for either candidate. These two examples – the only ones that both mentioned candidates and were aired within 60 days of an election that were deemed true issue ads – suggest that it may be desirable to modify the bright-line approach in an attempt to ensure that it does not capture any genuine issue ads.

The first modification would be to include a geographic targeting provision. We propose to let the nature of the ad by itself – where the sponsors ran their ads – help describe the

underlying purpose of the commercial. Ads would be deemed electioneering only if they were targeted to the electorate of the identified candidate. Thus, an ad campaign in the months directly preceding the election that focuses on lobbying members of Congress irrespective of whether or not they are candidates would be treated differently than one that – by not-to-be-believed coincidence – lobbies only those facing hotly contested races. Although a variety of standards might be used to define “targeting” with specificity, the underlying principle is that the strategies employed by advertisers offer objective indications of their intent. In the case of AFL-CIO’s campaign against S.2661, the union’s actions suggested their ad should not be counted as electioneering. Groups could try to take advantage of this rule by purchasing ad time in states and districts without contested elections, but that would be a very expensive form of evasion.<sup>2</sup>

Although modifications of this type can be suggested to take into account the peculiarities of individual ads, any test that is based solely on objective factors is unlikely to be 100 percent accurate in distinguishing between issue ads and electioneering ads. In the end, we are trying to gauge the speaker’s actual intent, and objective factors alone will not take us inside the speaker’s mind. Of course, judging intent is not an unfamiliar concept in our legal system; indeed it is a ubiquitous feature of the criminal code. We believe that the 60-day bright-line approach can be modified in different ways to take into account the speaker’s intent more explicitly.

One way to incorporate intent into the bright-line approach is to utilize the factors in the bright-line test to create only a presumption that an advertisement is regulable electioneering. Speakers who fail to meet all of the requirements of the bright-line test would be in a safe harbor; they would be assured that their advertisements would not be regulated by the government. For those speakers whose ads meet all of the presumptive criteria of the bright-line test, they would still be permitted to run their ads as issue ads, but they would be proceeding with the knowledge that the government might seek to bring an enforcement action claiming that the ads are in fact electioneering. If the government brought an enforcement action, the speaker would be permitted to claim a lack of electioneering intent, and the government would bear the burden of proof on the issue of intent. This approach is more protective of First Amendment values than the pure bright-line test. By utilizing a presumption, rather than a hard and fast rule, there is a safety valve for those few cases of true issue advocacy ads, like the Reid-Ensign ad described above, that otherwise resemble electioneering ads.

A similar way to achieve this result would be through a regime of self-disclosure. Any speaker who runs an advertisement that meets the presumptive criteria for electioneering speech would be permitted (but not required) to file a statement with the FEC declaring that his or her advertisement was not intended to influence the election of the named candidate(s). The filing of such a statement would prevent the FEC from treating the advertisement as electioneering, rather

---

<sup>2</sup> A similar geographic targeting provision was also contained in the Snowe-Jeffords bill introduced in the House in 1998.

than issue advocacy. That is not to say, however, that the sponsors of sham issue ads would easily be able to evade regulation. Making a formal declaration of intent does create some legal jeopardy for those who would lie. If, for example, the AFL-CIO were to declare – against common sense and statements from its own leadership – that none of the various ads that it ran which mentioned specific candidates within 60 days of the election had an electoral purpose, the organization would open itself up to possible investigation and serious sanctions for filing a false statement with the Government. The enforcement would inevitably occur after the fact, but it would still provide enormous incentive not to file a false statement. At the very least, advocacy groups would no longer be able publicly to trumpet their intent to elect or defeat certain candidates while claiming they are engaged in mere issue advocacy.

Under either of these proposals for adding an intent element to the bright-line test, the sponsors of the Reid-Ensign advertisement could safely run their issue ad, which focused on lowering taxes. Despite the mention of specific candidates close to an election, the speakers could rely on the fact that the ad's focus, coupled with its even-handed treatment of both candidates, would be sufficient evidence of a non-electioneering intent to survive government scrutiny. Similarly, if an advocacy group has been running a long-standing series of communications criticizing a current office-holder concerning his policy choices, the group would not feel compelled to stop its ad campaign when an election drew near because it could, with confidence, demonstrate through that course of conduct an absence of electioneering intent. Likewise, speakers who could truthfully sign a declaration of lack of electioneering intent would have little to fear from declaring their objective and running their ads as planned.

Taken together, these steps provide insurance that the bright-line test is not overly broad. While we believe that the threat posed to genuine issue speech by the current version of the bright-line test to be quite minimal, our suggested modifications are intended to make the bright-line test even more responsive to First Amendment concerns.

### **III. Distinguishing Among Different Speakers**

One of the most remarkable findings from the study of campaign advertisements is that just 4 percent of ads broadcast by political candidates use the so-called “magic words” of express advocacy. Yet, everyone agrees that 100 percent of ads sponsored by candidates are express advocacy. The reason can only be that the intent of these commercials is obvious; since they come from candidates the purpose of the ads must to help their sponsors win election. While the nature of candidate ads is judged according to their source, the intent of ads by other sponsors is adduced from their content. This double standard is troubling precisely because the candidates ads show how inadequate the magic words test is to the task of determining which ads are electioneering. But candidates are not the only advertisers whose motives are so transparent. Scholars agree that political parties exist to elect their candidates to public office; the valuable roles they play in democracies throughout the world are byproducts of this first, overwhelming reason for being.

**Recommendation #5: Treat all advertising sponsored by political parties as electioneering.**

**Problem:**

The increasing use by political parties of sham issue ads to evade campaign finance regulations.

**Solution:**

Congressional action or an advisory opinion from the FEC stating that advertisements by political parties mentioning a candidate for federal office are electioneering.

**Analysis:**

The political parties are raising record amounts of "soft money" to fund candidate-centered ads that exploit the "issue advocacy" loophole. Although "soft money" spending is supposed to be limited to the specific party-building activities enumerated in the Federal Election Campaign Act, the Democratic and Republican Parties are increasingly using "soft money" to fund sham issue ads. Interestingly, our data demonstrate that just 15 percent of the issue ads sponsored by Democratic or Republican party organizations mentioned either political party by name, compared to 99 percent that mentioned specific political candidates. The failure to even mention political parties in ads that are supposed to be for "party-building" is a glaring omission.

The change we seek is relatively subtle. Political parties are already political committees, subject to FECA's regulation. The law allows them to give money to candidates, make coordinated and, under the Supreme Court's decision in *Colorado Republican*, independent expenditures. Parties' sponsorship of candidate-centered issue advocacy is, however, a relatively new phenomenon, first coming into broad use in the 1996 presidential elections. The reason for the parties' delay in entering this area is simple: for years they assumed that the law prohibited issue advocacy that focused on candidates, rather than the parties themselves. FEC inaction and the aggressive tactics of interest groups, however, eventually encouraged them to take the plunge.

Restoring the pre-1996 understanding would require the FEC to issue a regulation or advisory opinion – or Congress to pass a law – stating that advertisements by political committees that mention or picture a federal candidate are express advocacy. Legal challenges would certainly follow, but the Commission could point to their authority over parties and the existing rules on actions of political committees. We believe these regulations would have an excellent chance of surviving court scrutiny. When the Supreme Court in *Buckley* originally adopted the "express advocacy" test, the Court wanted to ensure that issue advocacy groups -- groups like the National Right to Life Committee or the National Abortion Rights Action League -- could continue to be involved in the public debate over policy issues without fear that their activities would automatically be subject to the restrictions placed on advocacy sponsored by political candidates or political parties. The Court explicitly stated that its holding did not apply

to ads that were sponsored by candidates or political parties. Ads sponsored by such entities, the Court noted, were by definition campaign-related. This common-sense truth has been lost through the use of party-sponsored sham issue ads.

One important aspect of this recommendation is its effect on parties. Scholars are virtually unanimous in their belief that parties are vital institutions in mass democracies that are worth strengthening, a policy goal with which judges have often agreed. As a result, critics will claim that any action that interferes with the way parties behave must inevitably weaken them. Ironically, we think that just the opposite is true: one of the best reasons to support this recommendation is the impetus it would give to genuine party-building. The findings from the research on 1998's broadcasting show how little party-building occurs. There is little doubt that political parties' commercials, the vast majority of which mention candidates but not the name of their party -- have much more to do with advancing the prospects of a particular candidate than building the party.<sup>3</sup>

Contrast this behavior with the most recent celebrated example of party building, the National Republican Congressional Committee's "Contract With America" in 1994. Rather than identify particular candidates, the Republicans in that year highlighted a set of beliefs that Republican candidates for Congress adhered to, differentiating themselves from the opposing "team" of candidates. This campaign would not have been affected by the regulations we propose. Rather, our proposal would make genuine efforts at party building like the Contract With America more prevalent by limiting the uses of soft money to activities that first and foremost strengthen the reputation and organizational capacities of parties. It is important to remember that, despite the apparent success of the Contract, the NRCC abandoned these tactics in subsequent elections in the face of demands from individual candidates to invest directly in their races. The regulations we propose give parties the ability to fend off these calls and act to strengthen themselves.

---

<sup>3</sup>But that is only part of the story. The results also show that party ads are much more likely than are candidate ads to attack the opposing candidate, by a margin of 60 to 21 percent. This division of labor makes plenty of sense for candidates who would rather promote their own virtues than run down their opponent. This is more than a matter of taste or manners. Polls show that negative campaigning can tar the image of those doing the advertising, as well as their targets; in a mud fight everyone gets dirty. By having parties do the attacking for them, candidates keep their own hands relatively clean. This would seem, however, to be contrary to the longer-term goals of political parties to burnish their reputations and promote their agendas.