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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Education, Ethics and Elections...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Don McCloskey, Wisconsin Retired Educators Association, 4946 Knox
Lane, Madison, WI 53711

Registrations Against

None.

May 14, 2003

EXECUTIVE SESSION HELD

Present: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch,
Robson and Hansen.

Absent: (0) None.

Moved by Senator Reynolds, seconded by Senator Stepp that **SSAs0083/1**
be recommended for introduction and adoption.

Ayes: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch,
Robson and Hansen.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SSAS0083/1
RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Reynolds, seconded by Senator Stepp that **Senate Bill**
22 be recommended for passage as amended.

Ayes: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch,
Robson and Hansen.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 0

Michael Boerger
Committee Clerk

Testimony of State Senator Tom Reynolds
2003 Senate Bill 22
Senate Committee on Education, Ethics and Elections
March 26, 2003

Thank you Mr. Chairman,

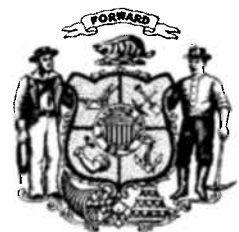
I am pleased to testify before you today on the need for Senate Bill 22, which I have introduced along with Representative Mark Gundrum. This is common-sense legislation that closes a glaring loophole in present ethics regulations. Under current law, there is no explicit prohibition on elected officials using their office to extract campaign contributions for themselves and others through inaction or exertion of influence on the policymaking process. This legislation remedies that problem.

Recently, very serious allegations of "pay-to-play" politics have been leveled against one former legislative leader. Breaches of the public trust, such as those alleged in the indictments issued by the district attorney last fall, understandably undermine citizens' confidence in the democratic process in Wisconsin. I am pleased that this bill is enjoying such widespread bipartisan support and that its passage has become a priority of the State Ethics Board.

The situations this bill will eliminate are clear; the penalties it will enact are fair. Wisconsin should be proud of its longstanding tradition as a "clean government" state, and with your help in passing these much-needed changes we will reaffirm that reputation. Thank you Mr. Chairman.



WISCONSIN STATE LEGISLATURE



WISCONSIN EDUCATION ASSOCIATION COUNCIL

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deserves a
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MEMORANDUM

TO: Members of the Senate Committee on Education, Ethics & Elections

FROM: John Stocks, Assistant Executive Director for Public Affairs
Wisconsin Education Association Council

RE: **Constitutional Problems with "Pay-to-Play" Legislation (SB 22 & AB 1)**

DATE: March 26, 2003

If the State of Wisconsin should have learned anything about campaign finance and ethics reform legislation in recent months, it is the importance of passing proposals that are constitutional. As the result of last year's campaign reform measures that were inserted into the budget repair bill, the state ended up paying legal bills totaling \$260,000 for both sides of the lawsuit. Ultimately, the measures were thrown out on constitutional grounds and the state was left with some serious practical problems, including tax forms that are incorrect and statutory changes that are on the books but unenforceable.

Given these very recent experiences, we should all be extremely wary of any constitutional problems with proposals that are offered this session. Consistent with this goal, WEAC has reviewed the proposed "pay-to-play" legislation (SB 22 & AB 1) and identified two major constitutional concerns, which are listed below. We strongly encourage the committee to review these problems and adopt the suggested solutions. The result will be statutes that stand a much greater chance of being found constitutional.

1) Linking "pay-to-play" restrictions to mass communications that refer to a public official or candidate.

Problem: This will have a chilling effect on the First Amendment right to lobby the government by prohibiting action conditioned upon a communication containing a reference to an official or candidate. Someone petitioning their government should not be afraid to say that an official's action or inaction will result in positive or negative publicity.

Solution: Narrow the language to apply only to campaign-related communications. Amend these provisions by changing the last phrase of the related sections to read: "or any person making a political communication subject to reporting requirements under Chapter 11 that contains a reference to a clearly identified state public official holding an elective office or a candidate for state public office."

Stan Johnson, President
Michael A. Butera, Executive Director

2) **Prohibiting filing of “pay-to-play” complaints in the 120 days before an election.**

Problem: It is almost certainly unconstitutional to allow the filing of complaints and then prevent filing at certain times.

Solution: Remove the provisions banning the filing of complaints within 120 days of an election.

WEAC will be happy to work with committee members on amendments that incorporate these solutions. Thank you for your consideration of these important suggestions.