

2005 DRAFTING REQUEST

Bill

Received: **02/15/2006**

Received By: **jkuesel**

Wanted: **Today**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Terri Griffiths**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Freese@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sum sufficient funding for campaign finance grants

Instructions:

Provide sum suffiicent funding to supplement financing provided in AB-226 for campaign finance grants.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 02/15/2006	lkunkel 02/15/2006		_____			State
/1			pgreensl 02/15/2006	_____	mbarman 02/15/2006	sbasford 02/20/2006	

FE Sent For:

<END>

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1? / 1	jkuesel 2/15/06	1/mk 2/15	2/15 P8	2/15 P8/15			

FE Sent For:

<END>

2005

Date (time) needed

Wed 2/15 11:45 AM

LRB

4665, 1

BILL

JAC : Imk :

LPS: PLS NOTE

Use the appropriate compon

Weird "as unaffected by" in action phrase

r bills.

AN ACT ... [generate c

renumber ... ; to consolidate and

renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the

statutes; relating to: financing of grants from the Wisconsin election campaign fund and making an appropriation

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

analysis on next page

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

SECTION #.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

4665
LRB-4655/1ins2
JTK.....

ANALYSIS

Currently, state grants are available to eligible candidates for certain state offices from the Wisconsin election campaign fund if the candidates agree to limit their disbursements (expenditures) and self-contributions, with certain exceptions. ✓
The grants are funded from general purpose revenues ~~is~~ an annual amount equivalent to the number of state income tax filers who designate \$1 to be deposited in the fund. ✓ The fund is divided into accounts for various state offices. ✓ Each eligible candidate for the same office is potentially eligible to receive an equal amount. ✓ The maximum grant that is payable to candidates for each office is specified by law. ✓ If there are insufficient moneys in the fund or in an account within the fund to make payment of the full amount of grants for which candidates qualify, the grants are prorated to the eligible candidates qualifying therefor. ✓

This bill appropriates a sum sufficient from general purpose revenues to supplement the amounts currently available to finance grants so that each eligible candidate may receive the full amount of the grant for which the candidate qualifies by law. ✓

✓ For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

4665
LRB-4655/lins
JTK.....

SECTION 1. 11.50 (3) and (4) of the statutes, ~~without respect to the treatment~~ ^{as unaffected by 2001 Wisconsin Act 109}, ~~by 2001 Wisconsin Act 109,~~ are repealed.

INS B
SECTION 2. 11.50 (6) of the statutes, ~~without respect to the treatment~~ ^{as unaffected} by 2001 Wisconsin Act 109, is amended to read:

11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each eligible candidate ~~under subs. (3) and (4)~~ are more than the amount which a candidate may accept under sub. (9), or more than the amount which a candidate elects to accept under sub. (10), the excess moneys shall be retained in the fund.

NOTE: NOTE: Sub. (6) was amended eff. 7-1-03 by 2001 Wis. Act 109 to read as shown below. Act 109, s. 9115, provided that if any treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void. NOTE:

(6) EXCESS MONEYS. If the amounts which are to be apportioned to each eligible candidate are more than the amount which a candidate may accept under sub. (9), the excess moneys shall be retained in the fund.

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321.

SECTION 3. 20.855 (4) (ba) of the statutes is created to read:

SECTION 4. 25.42 of the statutes is amended to read:

INS A
25.42 Wisconsin election campaign fund. All moneys appropriated under s. 20.855 (4) (b) and (ba) together with all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.

NOTE: NOTE: This section is amended eff. 7-1-03 by 2001 Wis. Act 109 as shown below. However, the treatment by 2002 Wis. Act 109 was held to be unconstitutional and void by the United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, Case # 02-C-424-C. NOTE:

25.42 Wisconsin election campaign fund. All moneys appropriated under s. 20.855 (4) (b) together with all moneys deposited under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), 11.26 (1t) and (2t), and 11.38 (6), all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.

History: 1977 c. 107; 1977 c. 418 s. 929 (55); 1979 c. 34 s. 2102 (58) (a); 1985 a. 303; 2001 a. 109.

SECTION 5. Initial applicability.

(1) This act first applies with respect to distribution of grants from the Wisconsin election campaign fund for elections held after August 31, 2006. ✓

(END)

JWSA

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8. Page 77, line 6: delete lines 6 to 23.

9. Page 81, line 10: after that line insert:

~~SECTION 162m. 20.855 (4) (ba) of the statutes is created to read:~~

*START
HERE*

20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5) *end of ins A*

10. Page 81, line 14: after "(b)" insert "and (ba)".

(END)

[INS B]

as unaffected by 2001 Wisconsin Act 109

Section #. 11.50 (5) of the statutes is amended to read:

11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the disbursements to the campaign depository account of each eligible candidate ~~under subs. (3) and (4)~~ ^{↓ STRIKE} by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.

~~NOTE: Sub. (5) is affected eff. 7-1-03 by 2001 Wis. Act 109 to read as shown below. Act 109, s. 9115, provided that if any treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void.~~

~~(5) TIME OF DISBURSEMENT. (a) The state treasurer shall make the disbursements of grants under sub. (4) to the campaign depository account of each eligible candidate and each eligible political party under sub. (2s) by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c) or (cm).~~

~~(b) Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.~~

~~History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321.~~

Basford, Sarah

From: Griffiths, Terri
Sent: Monday, February 20, 2006 4:48 PM
To: LRB.Legal
Subject: Draft Review: LRB 05-4665/1 Topic: Sum sufficient funding for campaign finance grants
Importance: High

RUSH PLEASE!
Please Jacket LRB 05-4665/1 for the ASSEMBLY.