

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

**2005-06**

(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

NOTICES ...

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

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> Executive Sessions ... ES

> \*\*

> Committee Reports ... CR

> \*\*

> Record of Comm. Proceedings ... RCP

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INFORMATION COLLECTED BY COMMITTEE  
CLERK FOR AND AGAINST PROPOSAL

> Appointments ... Appt

> \*\*

Name:

> Clearinghouse Rules ... CRule

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

> 05hr\_ab0065\_AC-CE\_pt01

> Miscellaneous ... Misc

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## WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director*  
*Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, <sup>RSJ</sup> Senior Staff Attorney

RE: 2005 Assembly Bill 65, Relating to Reporting of Information by Nonresident Registrants Under the Campaign Finance Law

DATE: February 2, 2005

This memorandum describes 2005 Assembly Bill 65, relating to reporting of information by nonresident registrants under the Campaign Finance Law. The bill was introduced by Representative Freese and others; and was cosponsored by Senator Harsdorf and others. The bill has been referred to the Assembly Committee on Campaigns and Elections, which has scheduled a public hearing on the bill for Thursday, February 3, 2005.

### **CURRENT LAW**

Currently, those required to register under the Campaign Finance Law must file periodic reports concerning contributions they have received. Specifically, the reports must identify, among other things, the following items:

- The identity of contributors who contributed more than \$20 total within a calendar year.
- The occupation and principal place of employment, if any, of contributors whose cumulative contributions within a calendar year exceed \$100.
- The registrants from whom or to whom funds are transferred.
- Other income exceeding \$20.
- Contributions donated to a charitable organization and the common school fund.
- Loans exceeding \$20, together with the identity of the lenders and guarantors, if any.
- Disbursements and obligations exceeding \$20.

For a nonresident registrant who does not maintain an office or street address within the state, current law requires the reporting of only the following:

- Contributions, including transfers and loans and other income received from sources in this state.
- Disbursements made and obligations incurred with respect to an election for state or local offices in this state.

### **THE BILL**

Assembly Bill 65 treats nonresident registrants who do not maintain an office or street address within the state the same as other registrants. In addition, the bill requires such registrants to separately list contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state and local office in this state.

[Note: A revision to the law similar to that provided by this bill was contained in 2001 Wisconsin Act 109. That provision, along with most of the other campaign finance provisions contained in that Act were voided when the Federal District Court for the Western District of Wisconsin found one of the campaign finance provisions of that Act unconstitutional. (See *Wisconsin Realtors Association v. Ponto*, 233 F.Supp 2d 1078 (W.D. 2002).]

If you have any questions about this memorandum, please feel free to contact me at the Legislative Council staff offices.

RJC:ksm:tlu



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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, <sup>RL</sup> Senior Staff Attorney

RE: 2005 Assembly Bill 66, Relating to the Acceptance of Political Contributions by Certain Elective State Officials Before Enactment of the Biennial Budget

DATE: February 2, 2005

This memorandum describes 2005 Assembly Bill 66, relating to the acceptance of political contributions by certain elective state officials before enactment of the biennial budget. The bill was introduced by Representative Freese and others; and was cosponsored by Senator Harsdorf and others. The bill has been referred to the Assembly Committee on Campaigns and Elections, which will hold a public hearing on the bill on Thursday, February 3, 2005.

### **CURRENT LAW**

Current campaign financing laws place various limits on political contributions made to candidates for public office. Current law includes limits on the amounts that may be contributed to candidates based upon the office to which the recipient seeks election and the type of entity making the contribution. In addition, current law generally requires recipients of campaign contributions to periodically report those contributions and to identify the contributors.

### **THE BILL**

2005 Assembly Bill 66 prohibits incumbent partisan elective officials, or campaign committees of such officials, from accepting any contribution for the purposes of promoting that official's nomination or reelection to the office held by that official during the period beginning on the first Monday of January in each odd-numbered year and ending on the date of enactment of the biennial budget act. The bill's prohibition, however, would not apply to such official if a recall petition has been filed against the official beginning on the date the recall petition is filed and ending on the date of the recall election or on the date on which the official resigns if the official resigns before the election.

[A prohibition similar to that contained in the bill was enacted as part of 2001 Wisconsin Act 109. The Act 109 provision was a prohibition on

persons **making** contributions as opposed to elective officials **accepting** contributions. However, that provision, along with most of the campaign finance provisions of Act 109, was subsequently voided when the Federal District Court for the Western District of Wisconsin found the treatment of one campaign finance provision of that act unconstitutional. (See *Wisconsin Realtors Association v. Ponto*, 233 F.Supp. 2d 1078 (W.D. 2002)).]

An intentional violation of the prohibitions in the bill may subject the violator to a fine of not more than \$1,000 or imprisonment of not more than six months, or both. In addition, violators may also be subject to a civil forfeiture of treble the amount or value of any unlawful contribution.

If you have any questions about this memorandum, please feel free to contact me at the Legislative Council staff offices.

RJC:ksm:tlu




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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director*  
*Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, Senior Staff Attorney 

RE: 2005 Assembly Bill 61, Relating to the Residency of Certain Election Officials

DATE: February 2, 2005

This memorandum describes 2005 Assembly Bill 61, which relates to the residency of certain election officials. The bill was introduced by Representative Kerkman and others; and was cosponsored by Senator Wirch and others. The bill is scheduled for a public hearing in the Assembly Campaigns and Elections Committee on Thursday, February 3, 2005.

### **CURRENT LAW**

Under current law, an election official is required to be a resident of the municipality in which the official serves. Also, with some exceptions, an election official at a polling place must be a qualified elector of the ward or election district for which the polling place is established. Exceptions to this latter requirement include:

- A 16- or 17-year old high school student may be a poll worker at the polling place serving his or her residence.
- Special registration deputies who register electors on election day at the polls may be appointed to serve at any polling place within the municipality.
- Poll workers may be reassigned to serve at another polling place within the municipality to assure adequate staffing.
- Election officials may be appointed to serve at a polling place that serves multiple wards.
- Election officials may be appointed to fill a vacancy at a polling place in another ward.

**THE BILL**

2005 Assembly Bill 61 provides that a municipal clerk or director of a municipal board of election commissioners, or a deputy of either of these officials, may be appointed to serve as a special registration deputy to register electors at the polls on election day, or may be appointed to fill a poll worker vacancy, even if such official is not a resident of the municipality. However, under the bill, the official must be a resident of the state and no more than two such individuals could be appointed to such positions.

If you have any questions on this memorandum, please feel free to contact me at the Legislative Council staff offices.

RJC:ksm:tlu

Vote Record

Committee on Campaigns and Elections

Date: 2/9/05  
Bill Number: 65  
Moved by: Dund      Seconded by: ✓  
Motion: Passage

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robin Vos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>0</u>		

Motion Carried       Motion Failed





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