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Details: Prior Session / Another Committee

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Elections and Constitutional Law
(AC-ECL)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

Miscellaneous:

Miscellaneous information included in records from a prior session or testimony submitted to another committee.



Prior Session

Testimony of Representative Lorraine M. Seratti
ASSEMBLY BILL 184

March 14, 2001

Mr. Chair, members of the committee, thank you for taking up this bill and inviting me here today.

I introduced Assembly Bill 184 again this session because I feel it is extremely important for Wisconsin's citizens to know when groups from outside Wisconsin are spending money to influence the outcome of our elections.

Under current campaign finance law, registrants are required to file regular reports with the appropriate filing officer or agency. The reports must identify contributors of more than \$20 cumulatively within a calendar year, as well as any other sources of income providing \$20 or more. For contributors giving \$100 or more they must report their occupation and principal place of employment if any exists. The report must list from whom and to whom funds are transferred including any loans exceeding \$20 together with the identity of the lenders and guarantors. It must include any disbursements or obligations exceeding \$20, and finally must include certain information from registrants making disbursements independently of the candidate.

However, if a registrant does not maintain an address within this state, the registrant need only identify contributions, transfers, loans and other income

received from sources in this state, and disbursements and obligations incurred with respect to elections for state or local office in this state.

Assembly Bill 184 deletes the exception for registrants who or which do not maintain an office or street address within this state, so that these registrants are required to report the same information as other registrants.

This change is needed in order to provide greater accountability for the people of Wisconsin. If individuals or special interest groups from outside our state wish to be involved in political races in Wisconsin, we have a right to know who they are, where their contributions come from, and in what amounts.

Under current law, the original source of the money flowing into state races from out of state is often unclear. Special interest groups from out of state can pour large sums of money into targeted races in order to further their own interests, without the public knowing who they are or what their interests are.

Nationally, we have seen foreign interests contributing money to the election of our highest office. Locally, we have seen a congressional candidate raise two thirds of their campaign funds from out of state, some of which was raised through the internet under misleading pretense. It does a disservice to the voting public to allow the source of funding for political races to remain, for all intents and purposes, anonymous.

If people and groups from out of state want to participate in Wisconsin's electoral process, they should be held to the same accountability standards as those who vote here, live here, and will be affected by the policy they seek to influence.

I would be happy to answer any questions.





Misc

**WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM**

TO: ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS

FROM: Robert J. Conlin, Senior Staff Attorney *RJC*

RE: Assembly Amendment __ (LRBa0353/1) to 2001 Assembly Bill 184, Relating to Reporting of Information by Nonresident Registrants Under the Campaign Finance Law

DATE: April 10, 2001

This memorandum describes Assembly Amendment __ (LRBa0353/1) to 2001 Assembly Bill 184. 2001 Assembly Bill 184 was introduced by Representative Seratti and others. The bill was referred to the Assembly Committee on Campaigns and Elections which held a public hearing on the bill on March 15, 2001. The bill is scheduled for an executive session on Thursday, April 12, 2001.

CURRENT LAW

Generally, under current law, registrants under the Campaign Finance Law are required to file regular reports with the appropriate filing officer or agency identifying certain contributions, transfers, loans, disbursements and obligations. However, under current law, a registrant who does not maintain an office or street address within the state need only identify contributions, transfers, loans and other income received from sources in Wisconsin and disbursements and obligations incurred with respect to elections for state or local office in Wisconsin.

THE BILL

The bill deletes the special treatment of registrants who or which do not maintain an office or street address within the state. Thus, under the bill, those registrants are required to report the same information as other registrants irrespective of the state of origin of the contributions, transfers, loans, disbursements and obligations. However, the bill would not affect reporting by authorized committees and candidates for the Office of U.S. Senator or Representative in Congress, national political party committees, and federally registered committees of state political parties that make no contributions to individuals or committees that are subject to a state registration requirement.

ASSEMBLY AMENDMENT -- LRBa0353/1

The amendment modifies the bill to provide that a nonresident registrant that is required to file a report under the bill must ensure that the report *separately identifies* contributions, transfers, loans and other income received from sources in this state and disbursement and obligations incurred with respect to elections for state or local office in this state, in a manner prescribed by the Elections Board.

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

RJC:ksm:tl;ksm





Misc

**WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM**

TO: ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS

FROM: Robert J. Conlin, Senior Staff Attorney *RJC*

RE: Assembly Amendment __ (LRBa0422/1) to 2001 Assembly Bill 184, Relating to Reporting of Information by Nonresident Registrants Under the Campaign Finance Law

DATE: April 11, 2001

This memorandum describes Assembly Amendment __ (LRBa0422/1) to 2001 Assembly Bill 184. 2001 Assembly Bill 184 was introduced by Representative Seratti and others. The bill was referred to the Assembly Committee on Campaigns and Elections which held a public hearing on the bill on March 15, 2001. The bill is scheduled for an executive session on Thursday, April 12, 2001.

CURRENT LAW

Generally, under current law, registrants under the Campaign Finance Law are required to file regular reports with the appropriate filing officer or agency identifying certain contributions, transfers, loans, disbursements and obligations. However, under current law, a registrant who does not maintain an office or street address within the state need only identify contributions, transfers, loans and other income received from sources in Wisconsin and disbursements and obligations incurred with respect to elections for state or local office in Wisconsin.

THE BILL

The bill deletes the special treatment of registrants who or which do not maintain an office or street address within the state. Thus, under the bill, those registrants are required to report the same information as other registrants irrespective of the state of origin of the contributions, transfers, loans, disbursements and obligations. However, the bill would not affect reporting by authorized committees and candidates for the Office of U.S. Senator or Representative in Congress, national political party committees, and federally registered committees of state political parties that make no contributions to individuals or committees that are subject to a state registration requirement.

ASSEMBLY AMENDMENT -- (LRBa0422/1)

Assembly Amendment __ (LRBa0422/1) modifies the bill to provide that a nonresident registrant that is required to file a report under the bill must include a statement separately identifying:

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

If you have questions on this matter, please contact me at the Legislative Council Staff offices.

RJC:ksm;tlu





Sept 24
2003

MISC

~~Date~~

WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

<p align="center">2003 Wisconsin Act 37 [2003 Senate Bill 197]</p>	<p align="center">Single-Factor Sales Apportionment of Income</p>
<p>2003 Acts: www.legis.state.wi.us/2003/data/acts/</p>	<p>Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm</p>

2003 Wisconsin Act 37 relates to single-factor sales apportionment of income for corporate income tax and franchise tax purposes and granting rule-making authority.

BACKGROUND

Currently, the income of a multi-state business that conducts a unitary business in part in Wisconsin is subject to formula apportionment for income tax purposes. Formula apportionment is used to determine how much of the business' total business income is allocated to Wisconsin and is subject to Wisconsin income taxation.

Currently, for most businesses, the apportionment formula consists of three factors. The first factor is the business' property value in Wisconsin divided by its total property value. The second factor is the business' payroll in Wisconsin divided by its total payroll. The third factor is the business' sales in Wisconsin divided by its total sales. The final apportionment ratio is determined by adding together the three factors, double weighting the sales factor, and dividing the aggregate sum by four.

For an *insurance company*, a formula with a premium factor and a payroll factor is used to attribute a portion of an insurance company's income to this state. Also, the income of a *public utility* is apportioned by rules established by the Department of Revenue (DOR), as is the income of a *financial organization*.

2003 WISCONSIN ACT 37

Under 2003 Wisconsin Act 37, the property value and payroll factors of the apportionment formula are phased out and a single-factor sales apportionment formula is implemented for taxable years beginning after December 31, 2005 for income of *corporations* and *electric or gas utilities*. Under the Act, for taxable year 2006, the apportionment formula would be composed of a sales factor representing

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents.

60% of the fraction, a property factor representing 20% of the fraction, and a payroll factor representing 20% of the fraction. For taxable year 2007, the apportionment formula would be composed of a sales factor representing 80% of the fraction, a property factor representing 10% of the fraction, and a payroll factor representing 10% of the fraction. Beginning in taxable year 2008, all multi-state corporations and electric and gas utilities would apportion their income to Wisconsin using a single-factor sales apportionment formula.

Under Act 37, for *insurance companies*, beginning on January 1, 2008, the premium factor will be the only factor used to attribute a portion of an insurance company's income to this state. The payroll factor will be decreased and eventually phased out over four years as the premium factor is increased.

Also, under Act 37, the income of a *financial organization* is apportioned for taxable years beginning after December 31, 2005 and before January 1, 2008, by multiplying that income by a fraction that includes a sales factor representing more than 50% of the apportionment fraction, as determined by DOR rules. For taxable years beginning after December 31, 2007, the income of a financial organization is apportioned by using a sales factor, as determined by DOR.

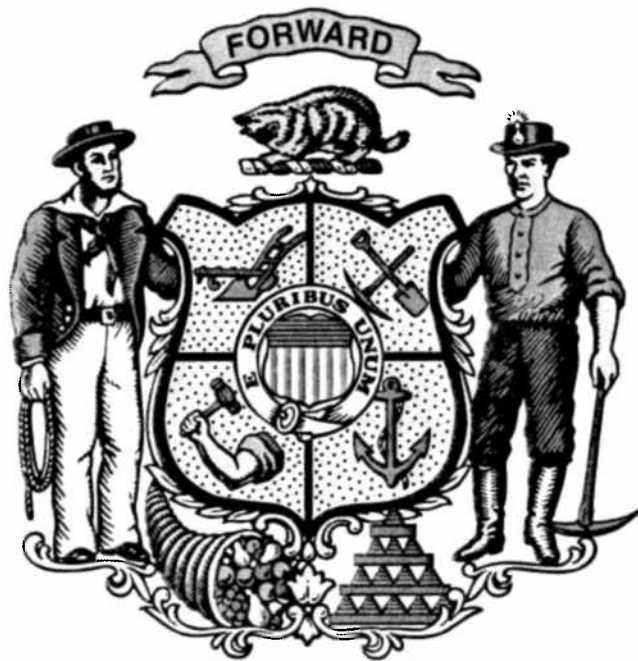
Finally, under Act 37, the income of *telecommunications companies, air carriers, and pipeline companies* is apportioned by rules established by DOR.

Effective Date: The Act takes effect on August 15, 2003. The new single-factor sales apportionment formula first applies to taxable years beginning after December 31, 2005.

Prepared by: Laura Rose, Deputy Director

September 24, 2003

LR:tl:wu;ksm



Record of Committee Proceedings

2005-06

Misc

Committee on Judiciary

Assembly Joint Resolution 52

Relating to: prohibiting partial vetoes from creating new sentences (first consideration).

By Representatives Friske, Stone, Albers, Pridemore, Kerkman, Gundrum, Lothian, Pettis, Ballweg, Strachota, Krawczyk, Musser, Bies, Ainsworth, J. Fitzgerald, Townsend, Vos, Gunderson, Nerison, Gottlieb, Kestell, Montgomery, Suder, Hahn, Jeskewitz, Moulton, Van Roy, Kleefisch, Mursau, Rhoades, Nischke, F. Lasee, Honadel and Wood; cosponsored by Senators Harsdorf, S. Fitzgerald, Darling, Grothman, Olsen, A. Lasee, Stepp, Schultz, Leibham, Zien, Kedzie and Reynolds.

September 09, 2005 Referred to Committee on Judiciary.

January 12, 2006 **PUBLIC HEARING HELD**

Present: (6) Representatives Gundrum, Pridemore, Kerkman, Kleefisch, Staskunas and Turner.
Excused: (2) Representatives McCormick and Kessler.

Appearances For

- Don Friske — Representative, 35th Assembly District
- Sheila Harsdorf — Senator, 10th Senate District
- Jeff Stone — Representative, 82nd Assembly District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Scott Fitzgerald — Senator, 13th Senate District

Registrations Against

- Bob Burke — Wisconsin Education Association Council

January 17, 2006 **EXECUTIVE SESSION HELD**

Present: (7) Representatives Gundrum, McCormick, Pridemore,
Kerkman, Kleefisch, Staskunas and Turner.
Excused: (1) Representative Kessler.

Moved by Representative Kleefisch, seconded by Representative Kerkman
that **Assembly Substitute Amendment 1** be recommended for adoption.

Ayes: (5) Representatives Gundrum, McCormick, Pridemore,
Kerkman and Kleefisch.
Noes: (2) Representatives Staskunas and Turner.
Excused:(1) Representative Kessler.

ASSEMBLY SUBSTITUTE AMENDMENT 1 ADOPTION
RECOMMENDED, Ayes 5, Noes 2

Moved by Representative Kleefisch, seconded by Representative Kerkman
that **Assembly Joint Resolution 52** be recommended for adoption as
amended.

Ayes: (5) Representatives Gundrum, McCormick, Pridemore,
Kerkman and Kleefisch.
Noes: (2) Representatives Staskunas and Turner.
Excused:(1) Representative Kessler.

ADOPTION AS AMENDED RECOMMENDED, Ayes 5, Noes 2

Jolene Churchill
Committee Clerk

Record of Committee Proceedings

Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform

Senate Joint Resolution 33

Relating to: prohibiting partial vetoes from creating new sentences (first consideration).

By Senators Harsdorf, S. Fitzgerald, Darling, Grothman, Olsen, A. Lasee, Stepp, Schultz, Leibham, Zien, Kedzie and Reynolds; cosponsored by Representatives Friske, Stone, Albers, Pridemore, Kerkman, Gundrum, Lothian, Pettis, Ballweg, Strachota, Krawczyk, Musser, Bies, Ainsworth, J. Fitzgerald, Townsend, Vos, Gunderson, Nerison, Gottlieb, Kestell, Montgomery, Suder, Hahn, Jeskewitz, Moulton, Van Roy, Kleefisch, Mursau, Rhoades, Nischke, F. Lasee, Honadel and Wood.

August 19, 2005 Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

September 21, 2005 **PUBLIC HEARING HELD**

Present: (5) Senators Brown, Zien, Kanavas, Breske and Wirsch.
Absent: (0) None.

Appearances For

- Shelia Harsdorf — State Senator, 10th Senate District
- James Gumbusky, Prescott

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Scott Fitzgerald — State Senator, 13th Senate District
- James Buchen, Madison — Wisconsin Manufacturers and Commerce

Registrations Against

- None.

October 13, 2005

EXECUTIVE SESSION HELD*

* - POLLING

Moved by the Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform that **Senate Joint Resolution 33** be recommended for adoption.

Ayes: (4) Senators Brown, Zien, Kanavas and Wirch.

Noes: (1) Senator Breske.

ADOPTION RECOMMENDED, Ayes 4, Noes 1

Daniel Lindstedt
Committee Clerk

Assembly

Record of Committee Proceedings

Committee on Judiciary

Senate Joint Resolution 33

Relating to: prohibiting partial vetoes from creating new sentences (first consideration).

By Senators Harsdorf, S. Fitzgerald, Darling, Grothman, Olsen, A. Lasee, Stepp, Schultz, Leibham, Zien, Kedzie, Reynolds, Lazich and Brown; cosponsored by Representatives Friske, Stone, Albers, Pridemore, Kerkman, Gundrum, Lothian, Pettis, Ballweg, Strachota, Krawczyk, Musser, Bies, Ainsworth, J. Fitzgerald, Townsend, Vos, Gunderson, Nerison, Gottlieb, Kestell, Montgomery, Suder, Hahn, Jeskewitz, Moulton, Van Roy, Kleefisch, Mursau, Rhoades, Nischke, F. Lasee, Honadel and Wood.

December 09, 2005 Referred to Committee on Judiciary.

January 12, 2006 **PUBLIC HEARING HELD**

Present: (6) Representatives Gundrum, Pridemore, Kerkman,
Kleefisch, Staskunas and Turner.
Excused: (2) Representatives McCormick and Kessler.

Appearances For

- Don Friske — Representative, 35th Assembly District
- Sheila Harsdorf — Senator, 10th Senate District
- Jeff Stone — Representative, 82nd Assembly District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Scott Fitzgerald — Senator, 13th Senate District

Registrations Against

- Bob Burke — Wisconsin Education Association Council

January 17, 2006

EXECUTIVE SESSION HELD

Present: (7) Representatives Gundrum, McCormick, Pridemore,
Kerkman, Kleefisch, Staskunas and Turner.

Excused: (1) Representative Kessler.

Moved by Representative Kleefisch, seconded by Representative Kerkman
that **Assembly Substitute Amendment 1** be recommended for adoption.

Ayes: (5) Representatives Gundrum, McCormick, Pridemore,
Kerkman and Kleefisch.

Noes: (2) Representatives Staskunas and Turner.

Excused:(1) Representative Kessler.

**ASSEMBLY SUBSTITUTE AMENDMENT 1 ADOPTION
RECOMMENDED, Ayes 5, Noes 2**

Moved by Representative Kleefisch, seconded by Representative Kerkman
that **Senate Joint Resolution 33** be recommended for concurrence as
amended.

Ayes: (5) Representatives Gundrum, McCormick, Pridemore,
Kerkman and Kleefisch.

Noes: (2) Representatives Staskunas and Turner.

Excused:(1) Representative Kessler.

CONCURRENCE AS AMENDED RECOMMENDED, Ayes 5, Noes 2

Jolene Churchill
Committee Clerk





WISCONSIN LEGISLATIVE COUNCIL

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

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, 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





**Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese**

March 31, 2005

Senator Mike Ellis, Chairman
Senate Committee on Campaign Finance Reform and Ethics
Room 118 South, State Capitol
Madison, WI 53702

Dear Chairman Ellis:

As you may be aware, Assembly Bill 65, relating to reporting of information by nonresident registrants under the campaign finance law, is currently in your senate committee. I respectfully request that you hold a public hearing and executive session on the bill at your earliest convenience.

Currently, nonresident registrants aren't required to follow the same campaign finance reporting requirements as in-state registrants. This bill puts them on par with other registrants. The bill does not affect candidates and committees for U.S. Congress, national party committees and federally registered committees of state political parties who do not make contributions to in-state (non-federal) candidates.

The change is needed in order to provide greater accountability for the people of Wisconsin. If individuals or special interests groups from out of state can pour large sums of money into targeted races in order to further their own interests, we have a right and an obligation to know who they are, where their contributions come from and in what amounts.

It does a great disservice to the voting public to allow the source of funding for political races to remain, for all intents and purposes, anonymous. If individuals and groups from out of state want to participate in Wisconsin's electoral process, they should be held to the same accountability standards as those who vote here, live here, and will ultimately be affected by the policy outsiders seek to influence.

Assembly Bill 65 passed the Assembly 99-0 on February 22. I would greatly appreciate your assistance in moving this legislation forward and getting it to the Governor's desk for his signature.

Fifty-First Assembly District

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789

If I can address any questions or concerns you may have on Assembly Bill 65, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Steve Freese". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Stephen J. Freese
State Representative

cc Senator Dale Schultz
 Senator Sheila Harsdorf





**Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese**

**Testimony of Representative Steve Freese
Assembly Bill 65
Senate Committee on Campaign Finance Reform and Ethics
March 1, 2006**

I appreciate the opportunity to testify before you on Assembly Bill 65, relating to reporting of information by nonresident registrants under the campaign finance law.

This legislation has been before us three other times. Former Rep. Lorraine Seratti was the lead author on this bill in 1999, 2001 and 2003 and I am now taking the reigns in hope that we can finally get it passed into law. The past three sessions it has passed the Assembly, but has failed to pass the Senate.

Under current campaign finance law, registrants are required to file regular reports with the State Elections Board, essentially disclosing and identifying certain information on contributors, contributions, expenditures, disbursements, obligations, transfers, etc. However, if a registrant does not maintain an address within this state, the registrant need only identify contributions, transfers, loans and other income received from sources in this state, and disbursements and obligations incurred with respect to elections for state or local office in this state.

Fifty-First Assembly District

**Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789**

Assembly Bill 65 deletes the exception for registrants who or which do not maintain an office or street address within this state, so that these registrants are required to report the same information as other registrants. The bill also requires these registrants to include in their reports a separate statement of 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.

The change is needed in order to provide greater accountability for the people of Wisconsin. If individuals or special interests groups from out of state can pour large sums of money into targeted races in order to further their own interests, we have a right and an obligation to know who they are, where their contributions come from and in what amounts.

It does a great disservice to the voting public to allow the source of funding for political races to remain, for all intents and purposes, anonymous. If individuals and groups from out of state want to participate in Wisconsin's electoral process, they should be held to the same accountability standards as those who vote here, live here, and will ultimately be affected by the policy outsiders seek to influence.

Thank you! I am more than happy to answer any questions at this time.

Reference information:

1999 Assembly Bill 416 passed on a voice vote.

2001 Assembly Bill 184 passed 98-0.

2003 Assembly Bill 119 passed on a voice vote.

2005 Assembly Bill 65 passed 99-0.





**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

**2005 Wisconsin Act 176
[2005 Assembly Bill 65]**

**Nonresident Reporting Under the
Campaign Finance Law**

2005 Wisconsin Act 176 amends the law relating to the reporting of information by nonresident registrants under the campaign finance law.

Wisconsin law generally provides that a committee, a group, or an individual accepting contributions, incurring obligations, or making disbursements for influencing state or local elections, recalls, recounts, or referenda must file campaign financing reports. Prior to Act 176, a registrant not residing in Wisconsin was required to report the following:

1. Contributions, including transfers and loans, and other income received from sources in Wisconsin.
2. Disbursements made and obligations incurred with respect to an election for state or local office in Wisconsin.

Act 176 requires that a nonresident registrant report all of the information that is required to be reported by resident registrants, including the identification of contributors of more than \$20 cumulatively within a calendar year and the occupation and principal place of employment of a contributor providing more than \$100 in a calendar year. The nonresident registrant then must ensure that the report separately states, as under prior law, the following information:

1. Contributions, including transfers and loans, and other income received from sources in Wisconsin.
2. Disbursements made and obligations incurred with respect to an election for state or local office in Wisconsin.

Effective Date: The Act takes effect on April 6, 2006 and first applies to reporting periods beginning on or after that date.

Prepared by: Ronald Sklansky, Senior Staff Attorney

April 7, 2006

RS:jal

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.



**Assembly Committee on Judiciary and Ethics
2007 January Special Session Assembly Bill 1**

Testimony of Kevin J. Kennedy
Executive Director
Wisconsin State Elections Board
January 16, 2007

Chairman Gundrum and Committee Members:

Thank you for the opportunity to testify on 2007 Special Session Assembly Bill 1. It is an honor to appear before the Committee. Speaking as an individual who has worked in the campaign finance and election profession for almost 28 years, I support the legislation, but I have some suggestions for change that I believe will improve the legislation. I also offer a technical change to improve the utilization of the Statewide Voter Registration System (SVRS).

I believe that changes need to be made to ensure more transparency when the new Board provides advice to individuals and other entities concerning the application of campaign finance, election and lobby regulations. I also believe that the public should be able to observe the Board's discussion concerning enforcement decisions in these areas. We have that now with respect to advice and enforcement decisions involving campaign finance and election regulations. It is lost under the current draft.

I believe the administration of elections can be enhanced if the legislation establishes a separate citizen board to oversee elections. I also request a technical change that will enable local election officials to print poll lists with voters' SVRS number. This will correct a drafting error in 2003 Wisconsin Act 265.

Loss of Transparency

This legislation was developed to provide more enforcement resources for the state's campaign finance, election, ethics and lobbying laws. The legislation makes a significant contribution to

ensuring there are independent resources to enforce the campaign finance, ethics and lobbying regulations currently in place by providing a reliable source of funding for enforcement. The legislation establishes a citizen board that will engender public confidence in the enforcement of the campaign finance, ethics and lobbying laws. The legislation also establishes a practical method of collecting penalties for routine but minor violations.

This is done at significant cost. Under the legislation, there will be less public scrutiny of the dispensing of advice and decisions to enforce the campaign finance law. There will also be a reduction in the transparency of the administration of elections in Wisconsin. The legislation generates new administrative issues and ignores the expanded role election administration plays in the operations of the State Elections Board.

Currently, requests for guidance from the State Elections Board are public. The discussion on opinion requests is conducted in open session after receiving public comment. Similarly the decision to proceed with an enforcement action or to review a settlement extended by the Elections Board staff pursuant to an established schedule is made in open session of the State Elections Board.

This legislation shields the initial request for advice and the discussion of Board members from the public. Only the outcome of the Board's decision is available to the public. This is inconsistent with the fundamental principles established by the legislature in 1974 when it re-wrote the campaign finance law following the Watergate scandal. In the first sentence of its declaration of policy the Legislature states it "finds and declares that our democratic system of government can be maintained only if the electorate is informed." Section 11.001, Wis. Stats.

Providing transparency to the decision making of the new Board will ensure an informed electorate.

Improve the Administration of Elections

The objective of this legislation is to augment the enforcement resources currently available under a Board that instills public confidence in its independence and resolve. However, the legislation attaches election administration and voter registration responsibilities to the new enforcement Board. Election administration and voter registration is a partnership between state election officials, local election officials and voters.

The legislation separates the administration and enforcement of campaign finance regulations from the administration of elections and voter registration. However, the challenges and complexity of election administration and voter registration has increased exponentially in the past six years.

The legislation creates a six-member citizen Board comprised of retired judges. I do not believe that a group of part-time citizens, no matter how committed, will be able to acquire the subject matter expertise required to set policy in the areas of campaign finance, election administration, voter registration, public funding of political campaigns, standards of conduct, conflict of interest, personal financial disclosure and lobbying. The State Elections Board presently consists of nine members who serve two-year terms. The State Ethics Board currently consists of six nonpartisan members appointed by the Governor subject to confirmation by the Senate. We are reducing the number of citizens involved in oversight of these complex regulations by sixty percent. For six citizens meeting once or twice a month to grasp all the complexities of the diverse areas of regulation will require a commitment that many private citizens will not have the time to offer.

The legislation does not recognize the expanded role that election administration requires following the passage of the Help America Vote Act of 2002 (HAVA). In addition the Legislature has further expanded the responsibilities of State Elections Board and its staff through legislation enacted in the previous two sessions: 2003 Wisconsin Act 265, 2005 Wisconsin Act 92 and 2005 Wisconsin Act 451.

The Statewide Voter Registration System (SVRS) will continue to require additional staffing and financial resources to provide services to local election officials and the public. This includes the infrastructure maintenance and support costs charged by the Department of Administration, the transaction costs for data base matching with the Department of Transportation, the Department of Corrections and the Department of Health and Family Services. The agency will need technical support staff, a help desk, election specialists to work with local election officials, a training team and an administrator to oversee the area of voter registration.

In addition, the increasing complexity of voting equipment will require additional state staff to oversee vendor compliance and assist local election officials with purchasing, programming and maintenance of voting systems. The state will also have to maintain the increased level of assistance and training currently being provided to local election officials.

One approach to addressing this expanded state role is to establish a new Board of Elections consisting of voters and local election officials. I believe it is essential that the administration of elections continue to be conducted under a nonpartisan chief election official and a nonpartisan staff reporting to a citizen Board. The lessons learned from the abuses of partisan chief election officials in California, Florida and Ohio should be sufficient cause for maintaining nonpartisan control over election administration in Wisconsin.

This can be done by establishing a separate agency responsible for election administration and voter registration. This would involve recasting the current Elections Board into a new Board comprised of voters and election officials. The proposed legislation does not adequately account for the increased election administration responsibilities that are now part of the duties of the State Elections Board.

By maintaining two separate Boards there is no need to add personnel to administer the combined responsibilities of the proposed Board. The legislation utilizes a new position, the Legal Counsel, to assist the Board and make administrative decisions. This role can be carried out by the head of the Ethics and Accountability division in the role of executive director for an

agency that focuses on administration and enforcement of campaign finance, ethics and lobbying regulations. This eliminates the administrative challenges presented in combining the current operations of the two agencies.

SVRS Administrative Change

Because this legislation has a high likelihood of passage, I request that the Legislature make a technical amendment that will facilitate the use of SVRS by local election officials. The amendment would remove the term “voter identification number” from the list of SVRS information that may only be viewed by election officials. As a result of a drafting error in the HAVA implementation legislation this term was added to a list of information that would not appear on the poll list.

There is no public policy reason to treat the registration identification number assigned by the SEB as confidential. It serves as a data management tool within SVRS. No one, other than authorized SVRS users, can use the number for any purpose. Those individuals are required to sign a user agreement holding them accountable for protecting access to confidential information and the use of SVRS.

The SVRS number enables users to efficiently use the functionality of SVRS. The number enables election officials to update voter history, track correspondence and administer absentee voting. The number presently appears, in both numeric and barcode format, on the poll list used at the polling place. It also appears in the same format on absentee ballot labels and other correspondence labels. By permitting the number to be used on these public documents, local election officials can fully utilize the functionality of the SVRS application.

Conclusion

The proposed legislation is designed to restore public confidence in the accountability of government. In its current form the legislation meets that objective, but at a cost. It reduces transparency in the areas of campaign finance advice and enforcement as well as in election

administration. It also reduces efficiency in the administration of elections. I believe the legislation can be improved with three changes:

1. Establish a separate citizen Board of Elections consisting of voters and local election officials to oversee election administration and voter registration.
2. Provide for the ability of the public to observe the discussions of the Board when providing advice and making enforcement decisions in the areas of campaign finance and lobbying.
3. Amend Section 6.36 (1)(b)1.a., Wis. Stats., to remove the SVRS number assigned to voters from the list of protected information.

Thank you for your consideration of my comments.

Respectfully submitted,

Wisconsin State Elections Board

Kevin J. Kennedy
Executive Director



February 12, 2008
Public Hearing
Testimony

My name is **William R. Benedict**. As a proud citizen of Wisconsin, it is a privilege to have this opportunity to testify before the Senate Committee on Campaign Finance Reform and Rural Issues and Information Technology.

I am a retired social worker who is now working full time as a citizen advocate for campaign finance reform and state funding of stem cell research. My special constituency is myself, my family and the citizens of the State of Wisconsin.

I am here this morning because I sincerely believe that our body politic is sick at the core and it is urgently in need of comprehensive campaign finance reform. Our legislature has a systemic and insidious disease so strong that it infects our most dedicated public servants. Wisconsin voters know deep down in their soul that their vote no longer counts. They believe that you have sold them out to those who pay for your elections term after term and now have put in jeopardy their sacred political freedom.

It hurts me this morning to have to say that I believe you have prostituted your office in order to have your election campaigns paid for by the rich and the powerful.

Not until every Wisconsin citizen can run for public office regardless of how much money they have will we have a state government by the people and for the people. I urge you and all of your Senate and Assembly colleagues to take the strong medicine needed to cure this terrible sickness. Please pass Senate bills 12, 25, 171 and 463.

Make Wisconsin pure and clean again!

Thanks again for this opportunity to speak.

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GUEST COLUMN

2-11-08

Governor's speech misses mark on stem-cell innovation

By WILLIAM BENEDICT

As a senior citizen of the state of Wisconsin whose family suffers from three serious cell-based diseases and who has been working with both private and public officials in support of public funding for stem cell research in Wisconsin, I was deeply disappointed when my governor in his State of the State address looked our legislators and the citizens of Wisconsin in the eye and boasted that Wisconsin has stayed at the forefront of stem-cell innovation "because we kept politicians out of it."

I have to assume the "we" he was referring to are the citizens of Wisconsin. Or did the "we" refer to his administration? In either case, I predict taxpayers and the health consumers of this state soon will deeply regret that the people and their representatives acquiesced and remained disengaged while the most critical health policy issues were left unaddressed.

How can the citizens of this state and our policy makers remain disengaged around a human health concern having to do with the essence of life itself?

If not us — the citizens through our Legislature — then who will decide? While I support our free marketplace and the critical role that private enterprise must play if Wisconsin's stem cell program is to succeed, I am not about to support anyone who advocates that citizens and their policy makers withdraw from the public square on this or any other vital public issue.

As much as I admire James Thomson and his team of talented and dedicated scientists, neither they nor the UW research community nor the biotech/pharmaceutical industry can be left to mind the people's business relating to how best to fund stem cell research and to ensure that the needs and interests of taxpayers and future health consumers of this state are fairly



Benedict

represented.

The media are trying to distract us from this issue by framing it primarily as an economic answer to all our problems. They would prefer that citizens see the chief public benefit in terms of the trickle-down economic effect and the promise of future job creation.

While this benefit is worthy, it is far too narrow and short-sighted.

Further allocation of public tax incentives and innovation grants must be accompanied with accountability and public benefit requirements, including intellectual property rights, public disclosure and conflict of interest safeguards.

To continue to focus primarily on job creation outcomes and ignore the state's present health care crisis is short-sighted and irresponsible.

Now is the time for our policy makers to decide whether the miracle cures promised will be made accessible and affordable to Wisconsin families with cell-based diseases.

The answer to this question must be reflected in the language of the state's financial and tax research innovation incentives now being proposed.

Asking the grantees to do the right thing after giving away the farm is like asking the fox to cough up the chickens after giving him the key to the hen house.

If Wisconsin truly is to remain at the forefront in its stem cell initiative, like California and many other states, we will set about immediately to fill the policy gaps referred to above.

Without legislative leadership we should not expect that cell-based therapies and drugs derived from this research will eventually benefit all of us as health consumers and taxpayers.

I hope a year from now, when our governor again gives his State of the State address, he will be able to thank your legislators and mine for building a policy platform that will match the genius of our science and will ensure Wisconsin's stem cell program remains at the forefront of both health care policy innovation.

Benedict is a retired social worker who lives in Madison.





Wednesday, April 09, 2008

To: All State Senators and Assembly Representatives

From: Andrea Kaminski, League of Women Voters of Wisconsin, (608) 256-0827
Jay Heck, Common Cause in Wisconsin, (608) 256-2686
Mike McCabe, Wisconsin Democracy Campaign, (608) 255-4260

Re: Pass Special Session Senate Bill 1

The campaigning in this year's Supreme Court race was not only demeaning and highly damaging to our state's highest court, but it also was perhaps the starkest illustration yet of what has gone haywire in election campaigns in Wisconsin. Not only was the race outrageously expensive and the advertising misleading and often downright untruthful, but most of the campaigning was done outside of state laws designed to ensure an informed citizenry and protect the integrity of our elections. As a result, a few interest groups got to do almost all of the talking and the public was kept in the dark about who was paying for the lion's share of the campaign advertising.

It is time to return our elections to the candidates and the voters.

The legislature and governor can do this right now. We call on legislative leaders to reconvene the special session on campaign finance reform and act on Special Session Senate Bill 1.

This bill contains all of the ingredients needed to make sure we don't again experience what all of Wisconsin had to endure in last week's Supreme Court election. And it contains all of the ingredients needed to make sure that special interest groups aren't the only ones who are heard and that candidates actually matter in elections. The bill overhauls the way Supreme Court elections are financed, repairs Wisconsin's broken campaign finance system for other state races, and restores meaning to the disclosure requirements and campaign contribution limits in current state law.

Please pass this bill so that the candidates themselves can get their messages to the voters.