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LRB-2087/2 JTK:lmk:pg

2005 SENATE BILL 105

March 8, 2005 - Introduced by Joint Committee For Review of Administrative Rules. Referred to Committee on Campaign Finance Reform and Ethics.

1 AN ACT to create 11.41 of the statutes; relating to: rule making with respect to

use of certain funds for political purposes.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, any organization that makes or transfers contributions, or that incurs obligations or makes disbursements in connection with a campaign for state or local office, must register and file reports with the appropriate filing officer or agency identifying contributions received and disbursements made and providing certain other information. A new registrant is generally prohibited from making a contribution or disbursement from property or funds received prior to the date of registration, except that, if a registrant holds property or funds at the time of registration that were not intended to be used in connection with an election for state or local office at the time that they were received, the registrant may report the property or funds as received on the date of registration and may then use the property or funds to make a contribution or disbursement. If a candidate adopts a preexisting committee as his or her personal campaign committee in connection with a campaign for state or local office, statutory limitations on committee contributions to candidates and personal campaign committees do not apply to the committee contribution that results from the adoption.

This bill prohibits the Elections Board from promulgating any rule which provides that funds which have been converted by a federal campaign committee to a Wisconsin state campaign committee may not be used for political purposes in Wisconsin if the contribution of those funds to the federal campaign committee would

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not have complied with Wisconsin law if the contribution had been made directly to a Wisconsin campaign committee, and which directs the state campaign committee to divest itself of such money by donating the money to the common school fund or a charitable organization. The bill is introduced as required by s. 227.26 (2) (f), stats., in support of the objection of the Joint Committee for Review of Administrative Rules on February 9, 2005, to the promulgation of emergency rule s. ElBd 1.395, Wis. Adm. Code, by the Elections Board. The emergency rule contained the same provisions with respect to which rule making is prohibited by this bill.

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

Section 1. 11.41 of the statutes is created to read:

11.41 Certain rule making prohibited. The board shall not promulgate any rule which provides that funds which have been converted by a federal campaign committee to a Wisconsin state campaign committee may not be used for political purposes in Wisconsin if the contribution of those funds to the federal campaign committee would not have complied with Wisconsin law if the contribution had been made directly to a Wisconsin campaign committee, and which directs the state campaign committee to divest itself of such money in compliance with s. 11.26 (11).

(END)