

1999 ASSEMBLY BILL 215

March 16, 1999 – Introduced by Representatives FREESE, JENSEN, AINSWORTH, ALBERS, GOETSCH, HAHN, HANDRICK, LADWIG, MUSSER, OWENS, SERATTI, WALKER, RYBA, KREIBICH, PORTER and SYKORA, cosponsored by Senators WELCH, COWLES and ROESSLER. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 11.61 (1) (b); **to repeal and recreate** 11.61 (1) (b); and **to**
 2 **create** 11.395 of the statutes; **relating to:** prohibition of political contributions
 3 by foreign nationals and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits any foreign national from making a contribution to any candidate for state or local office in this state or to any individual, committee or group who or which accepts contributions and makes expenditures for the purpose of influencing an election for state or local office or the outcome of a referendum in this state. Under the bill, a “foreign national” means a government of a foreign country, a foreign political party, an entity organized under the laws of and having its principal place of business in a foreign country, or any other individual or entity outside of the United States, except an individual United States citizen who is domiciled within the United States or an entity organized under or created by the laws of the United States or any state, territory or possession that has its principal place of business within the United States.

Any person who makes a contribution that is prohibited under the bill is subject to a forfeiture (civil penalty) of treble the amount of the contribution. Any person who intentionally makes a contribution that is prohibited under the bill may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the contribution does not exceed \$100, and may be fined not more than \$10,000 or imprisoned for not more than three years, or both, if the contribution exceeds \$100. This bill, increases the maximum term for imprisonment applicable to a prohibited contribution to four years and six months, effective December 31, 1999.

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Currently, there is no such prohibition on foreign national contributions.

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

1 **SECTION 1.** 11.395 of the statutes is created to read:

2 **11.395 Contributions by foreign nationals prohibited. (1)** In this section,
3 “foreign national” means a foreign principal, as defined in 22 USC 611 (b), other than
4 a citizen of the United States, or an individual who is not a citizen of the United
5 States and is not lawfully admitted for permanent residence, as defined in 8 USC
6 1101 (a) (20).

7 **(2)** No foreign national may make a contribution.

8 **SECTION 2.** 11.61 (1) (b) of the statutes is amended to read:

9 11.61 **(1) (b)** Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
10 ~~or~~, 11.38 or 11.395 where the intentional violation does not involve a specific figure,
11 or where the intentional violation concerns a figure which exceeds \$100 in amount
12 or value may be fined not more than \$10,000 or imprisoned not more than 3 years
13 or both.

14 **SECTION 3.** 11.61 (1) (b) of the statutes, as affected by 1999 Wisconsin Act ...
15 (this Act), is repealed and recreated to read:

16 11.61 **(1) (b)** Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1),
17 11.38 or 11.395 where the intentional violation does not involve a specific figure, or
18 where the intentional violation concerns a figure that exceeds \$100 in amount or
19 value may be fined not more than \$10,000 or imprisoned for not more than 4 years
20 and 6 months or both.

21 **SECTION 4. Effective date.**

