

**1999 DRAFTING REQUEST**

**Bill**

Received: **02/24/99**

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Rob Richard**

This file may be shown to any legislator: NO

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**

Extra Copies: **JTK-1**

**Pre Topic:**

No specific pre topic given

**Topic:**

Contributions by foreign nationals prohibited

**Instructions:**

Per 1997 AB 925 and AA3

**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>
/?	rmarchan 03/4/99	wjackson 03/4/99		_____			
/1			martykr 03/4/99	_____	lrb_docadmin 03/4/99	lrb_docadmin 03/5/99	

FE Sent For:



<END>

**1999 DRAFTING REQUEST****Bill**

Received: 02124199

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/?	rmarchan 03/4/99	wjackson 03/4/99		_____			
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/?	rmarchan		<i>km/4</i>	<i>LP 3/4</i>			

FE Sent For:

<END>

2  
Kuesel, Jeffery

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**From:** LRB.Legal  
**Sent:** Tuesday, February 23, 1999 5:31 PM  
**To:** Kuesel, Jeffery; Marchant, Robert  
**Subject:** FW: HIGH IMPORTANCE - Draft request for Kuesel and Marchant

-----Original Message-----

**From:** Richard, Rob  
**Sent:** Tuesday, February 23, 1999 5:06 PM  
**To:** LRB.Legal  
**Subject:** HIGH IMPORTANCE - Draft request for Kuesel and Marchant



CFR memo to LRB doc

## MEMORANDUM

To: Jeffrey T. Kuesel and Robert J. Marchant, LRB Attorneys

From: Representative Steve Freese

Date: February 23, 1999

Re: Redrafts of 1997 campaign finance reform bills

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As chair of the Committee on Campaigns and Elections, I want to bring forward for discussion and review all 1997 bills that had anything to do with campaign finance reform (CFR) and passed in the Assembly. I am requesting that the bills listed below be redrafted in their original form.

Speaker Jensen, Majority Leader Foti and myself respectfully request that you make -this project a priority and complete it by March 10.

A list of the following 1997 CFR bills:

- Please remove the language from SB 77/AB 100 that came from the Kettl Commission Report and draft it as **one individual** bill.
- AB 60 + AA1 Comm
- AB 4 + AA1 Walker
- AB 84
- AB 277 + AA1 Comm, AA2 Sevetti
- AB 925 + AA3
- AB 508 + AA1
- AB 954

1997 - 1998 LEGISLATURE

**ASSEMBLY AMENDMENT 3,  
TO 1997 ASSEMBLY BILL 925**

**March 19, 1998 - Offered by Representative Jensen.**

Pgl Ln1 At the locations indicated, amend the bill as follows:

AA3-AB925, Item 1.

Pgl Ln2 **1. Page 2, Line 8**: delete "(3) No person may solicit or accept a contribution from  
Pgl Ln3 a foreign national. "  
Pgl Ln4

**(End)**



State of Wisconsin  
1997-1998 LEGISLATURE

Need March 8, 1999

2333/1

LRB-506/2  
JTB:jlg:km  
RJM:wlj:

1997 ASSEMBLY BILL 925

RMNR  
DNOTE

March 17, 1998 - Introduced by Representative JENSEN, cosponsored by Senator WELCH. Referred to calendar.

Regen

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

United States

Any person who makes a contribution <sup>that</sup> which is prohibited under the bill is subject to a forfeiture (civil penalty) of treble the amount of the contribution, and any person who solicits or accepts a contribution ~~which is prohibited under the bill is subject to a forfeiture of not more than \$500 for each violation.~~ Any person who intentionally makes, ~~solicits or accepts~~ <sup>that</sup> a contribution ~~which~~ <sup>that</sup> is prohibited under the bill may be fined not more than \$1,000 or imprisoned for not more than ~~3~~ <sup>six</sup> months, or both, if the contribution does not exceed \$100, and may be fined not more than

**ASSEMBLY BILL 925**

No  
ff = This bill increases the maximum term of imprisonment applicable to a prohibited contribution to ~~4~~ years and ~~6~~ six months, effective December 31, 1999. <sup>four</sup>

\$10,000 or imprisoned for not more than ~~3~~ <sup>three</sup> years, or both, if the contribution exceeds \$100. <sup>on foreign national contributions.</sup>

~~Currently, there is no such prohibition.~~

*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 ~~(3) No person may solicit or accept a contribution from a foreign national.~~

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

WFO: Please proof w/ stats.

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

15 (END)

INSERT



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2333/lins  
RJM:.....

INSERT 2-14

**SECTION 1.** 11.61 (1)(b)<sup>✓</sup> of the statutes, as affected by 1999 Wisconsin Act . . . .  
(this ~~Act~~), is repealed and recreated to read:

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

**SECTION 2. Effective date.**

(1) The repeal and recreation of section 11.61 (1) (b) of the statutes takes effect  
on December 31, 1999<sup>✓</sup>.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2333/1dn

RJM:/:....

Wlj

The attached draft utilizes the current penalty provided in s. 11.61 (1) (b),<sup>✓</sup> stats. However, 1997 Wis. Act 283 amended that penalty provision, effective December 31, 1999, to increase the maximum possible prison term to 4 years and 6 months. This increased penalty would apply to a violation of this bill, as it is currently drafted, effective December 31, 1999. If you do not intend this increased penalty to apply, please let me know.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E - m a i l : Robert.Marchant@legis.state.wi.us ,

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2333/1dn  
RJM:wlj:km

March 4, 1999

The attached draft utilizes the current penalty provided in s. 11.61 (1) (b), stats. However, 1997 Wis. Act 283 amended that penalty provision, effective December 31, 1999, to increase the maximum possible prison term to 4 years and 6 months. This increased penalty would apply to a violation of this bill, as it is currently drafted, effective December 31, 1999. If you do not intend this increased penalty to apply, please let me know.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: [Robert.Marchant@legis.state.wi.us](mailto:Robert.Marchant@legis.state.wi.us)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 3/4/99

**To:** Representative Freese

**Relating to LRB drafting number:** LRB-2333

**Topic**

Contributions by foreign nationals prohibited

**Subject(s)**

Elections - campaign finance

1. **JACKET** the draft for introduction \_\_\_\_\_ 

**in the Senate** or **the Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain FISCAL **ESTIMATE NOW**, prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney  
Telephone: (608) 261-4454