

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: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**

Extra Copies: **RJM-1**

Pre Topic:

No specific pre topic given

Topic:

Use of residual funds by campaign committees

Instructions:

Per 1997 AB-84

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
I?	kuesej t 03/2/99	j geller 03/2/99		_____			
/1			j frantze 03/2/99	_____	lrb-docadmin 03/2/99	lrb-docadmin 03/3/99	

FE Sent For:

<END>

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/?	kuesejt 03/2/99	jgeller 03/2/99		_____			
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				8/ep			
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FE Sent For:

<END>

Kuesel, Jeffery

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

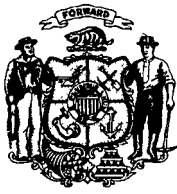
To: , Jeffrey T. **Kuesel** and Robert **J. Marchant**, LRB Attorneys
From: Representative Steve Freese
Date: February 23, 1999
Re: Redrafts of 1997 campaign finance reform bills

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 Soratti
- AB 925 + AA3
- AB 508 + AA1
- AB 959



State of Wisconsin
1997 - 1998 LEGISLATURE

1999

LRB-1600/1

JTK:km

-2331/1

JLg

Wanted Mon 3/8

1997 ASSEMBLY BILL 84

February 12, 1997 - Introduced by Representatives CARPENTER, MURAT, POWERS, R. YOUNG, HASENOHRL, NOTESTEIN, R. POTTER, DOBYNS, BOCK, RYBA and BOYLE, cosponsored by Senators PLACHE and MOEN. Referred to Committee on Campaign Finance Reform.

Regen

1 AN **ACT to create** 11.25 (4) of the statutes; **relating to:** independent
2 disbursements by former personal campaign committees.

Analysis by the Legislative Reference Bureau

Currently, a personal campaign committee may make contributions to candidates other than the candidate whom it is organized to support, subject to applicable contribution limitations. If a candidate dies or ceases to be a candidate, the personal campaign committee remains subject to the same limitations. However, if the committee thereafter files an oath affirming its independence from any candidate, the committee may, in addition to making contributions, make disbursements (expenditures) in an unlimited amount to advocate the election or defeat of a candidate.

This bill provides that if a candidate dies or ceases to be a candidate, and the candidate's personal campaign committee thereafter files an oath affirming its independence of any candidate, the committee may not make any disbursement to advocate the election or defeat of a clearly identified candidate that is derived in whole or in part from contributions received by the committee prior to filing the oath in an amount or value exceeding the maximum contribution that the committee is permitted to make to that candidate under contribution limitations currently prescribed by law. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators may be fined not more than \$10,000 or imprisoned for not more than 3 years, or both, unless the amount or value of the

three

a statement

under oath

a statement

under oath

Statement

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1600/1dm
JTK:km
- 25 31 / 1 dm
Jlg

new date { ~~Friday, December 20, 1996~~

The U.S. supreme court has held that limits may not be imposed on the spending of committees that wish to express their views independently of candidates. **See Buckley v. Valeo, et al., 96 S.Ct. 612, 644-650 (1976)** and **F.E.C. v. N.C.P.A.C., 105 S.Ct. 1459, 1465-1471 (1985)**. However, the court has also held, in **Buckley**, that reasonable contribution limitations may be imposed upon committees. If one views this proposal simply as an attempt to restrict independent spending, it would likely not meet the court's current standard for passing constitutional muster. If one views this proposal as only a limited restriction designed to prevent evasion of contribution limitations and to protect contributors by ensuring that their contributions are not used for purposes they did not intend, the proposal may be viewed more favorably, and could be sustained.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2331/1dn
JTK:jlj:jf

March 2, 1999

The U.S. supreme court has held that limits may not be imposed on the spending of committees that wish to express their views independently of candidates. See *Buckley v. Valeo, et al.*, 96 S.Ct. 612, 644-650 (1976) and *F.E.C. v. N.C.P.A.C.*, 105 S.Ct. 1459, 1465-1471 (1985). However, the court has also held, in *Buckley*, that reasonable contribution limitations may be imposed upon committees. If one views this proposal simply as an attempt to restrict independent spending, it would likely not meet the court's current standard for passing constitutional muster. If one views this proposal as only a limited restriction designed to prevent evasion of contribution limitations and to protect contributors by ensuring that their contributions are not used for purposes they did not intend, the proposal may be viewed more favorably, and could be sustained.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**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: 3/2/99

To: Representative Freese

Relating to LRB drafting number: LRB-233 1

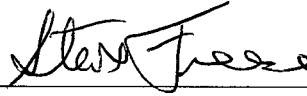
Topic

Use of residual funds by campaign committees

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.

Jeffery T. Kuesel, Managing Attorney
Telephone: (608) 266-6778