

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB701)

Received: **02/09/2000**

Received By: **kuesejt**

Wanted: **02/09/2000**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy Frydenlund**

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:

AA to AB-701

Instructions:

If candidate who is eligible for a public grant declines to accept one, the candidate must file an updated campaign finance report each Monday, beginning with the 3rd Monday in September and ending with the Monday after the general election. If no report is filed, board shall remove the candidate's name from the ballot if possible.

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>
/?	kuesejt 02/09/2000	wjackson 02/09/2000		_____			
/1			jfrantze 02/09/2000	_____	lrb-docadmin 02/09/2000	lrb-docadmin 02/09/2000	

FE Sent For:

<END>

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1?/1	kuesejt	2/9 1/2/9 Wlj	2/9	2/9			

FE Sent For:

<END>

1999

Date (time) needed

Wed 2/9 - 1:45 PM

LRB a

1360, 1

AMENDMENT

DWS 725

JTK: WJ: _____

See form AMENDMENTS - COMPONENTS & ITEMS.

S A AMENDMENT

~~TO S A AMENDMENT _____ (LRBa _____ / _____),~~

~~TO S A SUBSTITUTE AMENDMENT _____ (LRBs _____ / _____),~~

TO 1999 SB SJR SR AB AJR AR 701 (LRB _____ / _____)

At the locations indicated, amend the Bill as follows:
(fill ONLY if "engrossed" or "as shown by")

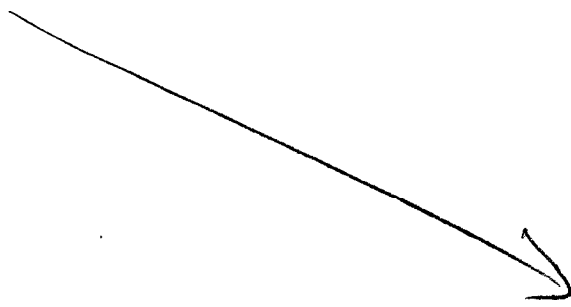
#. Page , line :

#. Page , line :

#. Page , line :

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25 2
1. Page 7, line 2 after that line insert:

26
SECTION 8.30 (5) of the statutes is created to read:

8.30 (5) The board shall not place the name of a candidate on the ballot at the general election or a special partisan election if the candidate is subject to a filing requirement under s. 11.20 (2w) and a report is not filed in a timely manner by the candidate or his or her personal campaign committee as required under s. 11.20 (2w). If ballots are required to be prepared before the board is required to act under this subsection, the board shall remove the candidate's name from the ballot if possible.

34 22
2. Page 7, line 8 after that line insert:

50d
SECTION 11.20 (2) of the statutes is amended to read:

11.20 (2) Preprimary and preelection reports under s. 11.06 (1) shall be received by the appropriate filing officer no earlier than 14 days and no later than 8 days preceding the primary and the election. A candidate or personal campaign committee of a candidate who is required to file reports under sub. (2w) is not required to file a preelection report under this subsection.

History: 1973 c. 334; 1975 c. 93,199; 1979 c. 328 ss. 58, 82 to 92,146; 1981 c. 314 s. 146; 1983 a. 183, 491, 538; 1985 a. 303 ss. 32m to 37.88; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2; 1997 a. 27.

~~3. Page 7, line 2: after that line insert:~~

50h
SECTION 11.20 (2w) of the statutes is created to read:

11.20 (2w) Election reports under s. 11.12 shall be received by the board no later than the Monday following each September primary and each special partisan primary and no later than each Monday thereafter, through the Monday following the date of the general or special partisan election, from each candidate or personal campaign committee of a candidate for state office, except the office of district

attorney, who received at least 6% of the vote cast for all candidates for the same office at the September primary or the special partisan primary, if a primary was held, but who did not accept a grant under s. 11.50. The reports may be filed no earlier than the Monday on which they are due.

~~4. Page ?, line ? after that line insert:~~

SECTION 11.20 (8) (intro.) of the statutes is amended to read:

11.20 (8) (intro.) Reports filed under subs. (2), (2w), (4) and (4m) shall include all contributions received and transactions made as of the end of:

History: 1973 c. 334; 1975 c. 93,199; 1979 c. 328 ss. 58.82 to 92,146; 1981 c. 314 s. 146; 1983 a. 183, 491, 538; 1985 a. 303 ss. 32m to 37, 88; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2; 1997 a. 27.

~~5. Page ?, line ? after that line insert:~~

SECTION 11.20 (8) (f) of the statutes is created to read:

11.20 (8) (f) The Friday preceding the date that the report is due in the case of the report required to be filed under sub. (2w)."

(END)

DRAFTERS NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1360/1dn

JTK...../.....

WLj

1. This draft does not specifically exclude candidates who are unopposed because these candidates are not currently eligible to receive public grants under §11.50 (2) (b) 3., stats.1

FWS DIA →

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

9. I also want to note briefly that a few of the provisions of this draft are innovative, and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of provisions of these types. It is well possible that a court may find a rational basis for these provisions that would permit them to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association, or equal protection guarantees, it is possible that enforceability problems with these provisions may occur. J - provisions concerning which we do not have specific guidance at this time are:

Provisions of this type

(a) Proposed s. 11.12.(6)(b) and (c), which impose a waiting period of up to 21 days before certain contributions may be transferred or accepted or before certain disbursements may be made or obligations to make disbursements may be incurred.

#2. Proposed s. 11.12(9), which imposes additional reporting requirements upon candidates who decline to accept disbursement and contribution limitations and restrictions ^{grants and which deny ballot placement to candidates who fail to comply with those requirements} ~~and which deny ballot placement to candidates who fail to comply with those requirements~~ ^{are}

(c) Proposed s. 11.24(1t), which prohibits certain candidates and their personal campaign committees from accepting contributions within 10 days of an election in which the candidates participate.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1360/1dn
JTK:wlj:jf

February 9, 2000

1. This draft does not specifically exclude candidates who are unopposed because these candidates are not currently eligible to receive public grants under s. 11.50 (2) (b) 3., stats.

2. Proposed ss. 8.30 (5) and 11.20 (2w), which impose additional reporting requirements upon candidates who decline to accept grants and which deny ballot placement to candidates who fail to comply with those requirements are innovative, and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of provisions of this type. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Video, et al.*, 96 S. Ct. 612 (1976), and certain other cases that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association, or equal protection guarantees, it is possible that enforceability problems with these provisions may occur.

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