

09/29/1999 04:50:17 PM

Page 1

1999 DRAFTING REQUEST**Senate Amendment (SA-SB190)**Received: **09/22/1999**Received By: **kuesejt**Wanted: **Today**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**By/Representing: **Doug Burnett**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:

SA to SB 190

Instructions:

See Attached.

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 09/22/1999	gilfokm 09/22/1999		_____			
/1			hhagen 09/22/1999	_____	lrb_docadmin 09/23/1999	lrb_docadmin 09/23/1999	
/2	kuesejt 09/29/1999	gilfokm 09/29/1999	kfollet 09/29/1999	_____	lrb_docadmin 09/29/1999	lrb_docadmin 09/29/1999	

FE Sent For:

<END>

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/?	kuesejt 09/22/1999	gilfokm 09/22/1999		_____			
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/2	kuesejt 9/29		kjf 9/29	kjf/hmh 9/29			

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1? / 1	kuesejt 9/22	9-22-99 Kmg	dl 9/22	dl KF 9/22			

FE Sent For:

<END>

Kuesel, Jeffery

From: Burnett, Douglas
Sent: Tuesday, September 14, 1999 10:33 AM
To: Wenzel, Bill; Kuesel, Jeffery
Cc: Clausing, Alice
Subject: Simple amendment to SB 190

Please draft a simple amendment to SB 190 as follows:

1. Eliminate the ability of any candidate committee to accept PAC or conduit money if they accept the grant;
2. Reduce the spending limits for Senate to \$70,000 and the grant amount to \$40,000; Assembly to \$35,000 and the grant amount to \$20,000;
3. Reduce the grant amount for governor to \$1.2 million; increase the the grant amount in the bill for attorney general from \$150,000 to \$350,000; reduce the grant amount for secretary of state, state treasurer, or superintendent of public instruction from \$150,000 to \$115,000.
4. Make the advance reporting requirement for independent expenditures severable from the rest of the bill.

These are the changes I have from the meeting we had Bill.

Kuesel, Jeffery

From: Wenzel, Bill
Sent: Tuesday, September 14, 1999 12:32 PM
To: Burnett, Douglas; Kuesel, Jeffery
Cc: Clausing, Alice
Subject: RE: Simple amendment to SB 190

Gentlemen and Distinguished Senator (I got into trouble with my salutation in the past);

My notes reflect a couple of other changes and a clarification:

1. Clarification - that if the 21 day reporting requirement was found unconstitutional on the basis of "prior restraint" the contemporaneous reporting requirements coupled with a requirement for immediate disbursement for "matches" over spending limits caps by opponents/independents would remain in place.
2. Lobbying Tax - there would be a "severability clause" pertaining to this provision. We would also amend to exclude "non-profits" from this requirement

I do have a question - how do we treat contributions made to political parties? Should they be treated in the same fashion as LCCs?

Bill

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Cc: Clausing, Alice
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4. Make the advance reporting requirement for independent expenditures severable from the rest of the bill.

These are the changes I have from the meeting we had Bill.

Kuesel, Jeffery

From: Burnett, Douglas
Sent: Tuesday, September 14, 1999 1:20 PM
To: Wenzel, Bill; Kuesel, Jeffery
Cc: Clausing, Alice
Subject: RE: Simple amendment to SB 190

You are correct on those severability issues.

My undersanind is that contributions to parties are treated the same as LCCs under current law.

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

From: Wenzel, Bill
Sent: Tuesday, September 14, 1999 12:32 PM
To: Burnett, Douglas; Kuesel, Jeffery
Cc: Clausing, Alice
Subject: RE: Simple amendment to SB 190

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These are the changes I have from the meeting we had Bill.

Kuesel, Jeffery

From: Wenzel, Bill
Sent: Tuesday, September 14, 1999 5:49 PM
To: Kuesel, Jeffery
Subject: SB 190 Amendments

Jeff --

There is one more modification that Doug & I overlooked. In the section regarding **Qualifying Grants** we had originally proposed that **1000** signatures be required as a precondition for the award. Please modify that to **800**.

Thanks,
Bill

1999 DRAFTING REQUEST

Senate Amendment (SA-SB190)

Received: 09/14/1999

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Charles Chvala (608) 266-9170

By/Representing: Doug Burnett

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 SB-190

Instructions:

See Attached.

Drafting History:

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/?	kuesejt 09/16/1999	gilfokm 09/16/1999		_____			
/1			jfrantze 09/17/1999	_____	lrb_docadmin 09/17/1999	lrb_docadmin 09/17/1999	

FE Sent For:

<END>

09-22-99
cancel
(lost "jacket")
↳ new # 99 a-0636

1999 DRAFTING REQUEST

Senate Amendment (SA-SB190)

Received: 09/14/1999

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Charles Chvala (608) 266-9170

By/Representing: Doug Burnett

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17 / 1	kuesejt	9/16/1-9-16-99 kong	9/17	9/17 me			

FE Sent For:

<END>

File transferred to LRB 90636.

J. Kuesel
9/22/99

1999

Date (time) needed Mon 9/20 - AM

LRB a 0598, 1

AMENDMENT

DN 075

JFK: Kmcy

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

~~TO S A AMENDMENT (LRBa 1),~~

~~TO S A SUBSTITUTE AMENDMENT (LRBs 1),~~

TO 1999 SB ~~SJR SR AB AJR AR~~ 190 (LRB 1)

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed" or "as shown by")

✓ #. Page 25, line 5: delete "\$500,000" and substitute "\$800,000".

✓ #. Page 25, line 6: delete "\$150,000" and substitute "\$250,000".

✓ #. Page 25, line 9: delete "\$50,000" and substitute "\$85,000".

✓ #. Page 25, line 10: delete "\$25,000" and substitute "\$30,000".

✓ #. Page 25, line 11: delete "\$12,500" and substitute "\$15,000".

1999

AMENDMENTS

LRB 00598, 1
SR: _____

AMENDMENT ITEM

See form AMENDMENTS — COMPONENTS & ITEMS.

- ✓ #. Page 30, line 6: delete "\$100,000" and substitute "\$70,000".
- ✓ #. Page 30, line 9: delete "\$50,000" and substitute "\$35,000". ON
- ✓ #. Page 34, line 7: delete ^{the material beginning with} "1,000" and ending with "2,000" ~~line 8~~ and substitute "800 nor more than 1,600".
- ✓ #. Page 34, line 10: delete that line and substitute "400 nor more than 800 electors."
- ✓ #. Page 35, line 18: delete "\$80,000" and substitute "\$64,000".
- ✓ #. Page 35, line 19: delete "\$24,000" and substitute "\$55,999".

1999

AMENDMENTS

LRB 00598, 1
JTK: _____

AMENDMENT ITEM

See form AMENDMENTS — COMPONENTS & ITEMS.

✓ #. Page 35, line 22: delete "\$8,000" and substitute "\$6,133".

✓ #. Page 35, line 23: delete "\$4,000" and substitute "\$2,133".

✓ #. Page 35, line 24: delete "\$2,000" and substitute "\$1,066".

✓ #. Page 37, line 20: delete "\$1,500,000" and substitute "\$1,200,000".

✓ #. Page 37, line 21: delete "\$150,000" and substitute "\$350,000".

✓ #. Page 37, line 24: delete "\$1⁵50,000" and substitute "\$115,000".

1999

AMENDMENTS

LRB 00598, 1
JTR: _____

AMENDMENT ITEM

See form AMENDMENTS — COMPONENTS & ITEMS.

✓ #. Page ³⁷ ~~37~~, line ²⁴ ~~21~~: delete "~~\$150,000~~" and substitute "~~\$115,000~~".

✓ #. Page ³⁷ ~~37~~, line ²⁵ ~~25~~: delete "~~\$75,000~~" and substitute "~~\$40,000~~".

✓ #. Page ³⁸ ~~38~~, line ¹ ~~1~~: delete "~~\$37,500~~" and substitute "~~\$20,000~~".

(End)

#. Page , line :

#. Page , line :

#. Page , line :

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

LRBa0598/1dn

JTK...:.....
mg

Concerning your instructions:

1. Under proposed s. 11.24 (1w), a candidate who accepts a grant is precluded from receiving contributions from special interest (political action) or political party committees. Under the bill, conduits are treated the same as special interest (political action) committees; they have no separate identity. Therefore, I have made no changes to the treatment of PAC's and conduits under the bill.

2. Since you decrease the maximum grants available to candidates for certain offices, I have increased the maximum aggregate individual contributions that candidates for these offices may receive under proposed s. 11.26 (1m), because otherwise there would be no way *that* the candidates could raise sufficient revenue to reach their disbursement (spending) limits.

3. In order to maintain the proportions that the required qualifying contributions under proposed s. 11.50 (2) (b) 5. a. to f. bear to the maximum grants available to candidates for the corresponding offices, I have adjusted the amounts of the qualifying contributions. You may wish to consider rounding these amounts. *check space*

4. Under s. 990.001 (11), stats., all Wisconsin Statutes are severable to the extent *that* it is possible to sever them. Since we can't affect severability beyond what the statutes already provide, we don't draft severability clauses in Wisconsin.

5. ~~The instruction to draft~~ alternative provisions, in the event that the 21-day advance notification requirement for independent disbursements and obligations under proposed s. 11.12 (6) (c) is found to be unconstitutional ~~has~~ not been included in *have* this draft pending clarification from Bill Wenzel. As I discussed with Bill, while it is possible to do this, it has never been done before in this state to my knowledge and it is possible that the courts may view this as an invalid delegation of lawmaking power to the judicial branch.

6. Concerning the lobbying expenditure tax, under proposed s. 77.9971, charitable organizations and governmental units are exempt from the tax. I could go beyond this to exempt all nonprofit organizations but since trade associations are generally organized on a nonprofit basis, if we were to do this, *most* lobbying expenditures would be exempt from the tax. I have therefore made no change in this provision at this time. ✓

7. Concerning the instruction to decrease *the number of* qualifying signatures required for a candidate to obtain a public grant *(from 1,000 to 800)*, I assumed this had ✓

reference to candidates for state senator; I assumed ^{that} you wanted the maximum signatures to be decreased from 2,000 to 1,600; and I also assumed you wanted to make 20% reductions in the corresponding maximum and minimum signatures required for qualification of candidates for the office of representative to the assembly.

If any of the material that I have included or excluded does not conform to your intent, please let me know.

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

number of

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LEGISLATIVE REFERENCE BUREAU

LRBa0598/1dn
JTK:kmg:jf

September 17, 1999

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4. Under s. 990.001 (11), stats., all Wisconsin Statutes are severable to the extent that it is possible to sever them. Since we can't affect severability beyond what the statutes already provide, we don't draft severability clauses in Wisconsin.

5. Alternative provisions, in the event that the 21-day advance notification requirement for independent disbursements and obligations under proposed s. 11.12 (6) (c) is found to be unconstitutional have not been included in this draft pending clarification from Bill Wenzel. As I discussed with Bill, while it is possible to do this, it has never been done before in this state to my knowledge and it is possible that the courts may view this as an invalid delegation of lawmaking power to the judicial branch.

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If any of the material that I have included or excluded does not conform to your intent, please let me know.

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

Kuesel, Jeffery

From: Wenzel, Bill
Sent: Thursday, September 16, 1999 12:21 PM
To: Kuesel, Jeffery
Subject: CFR

Jeff - -

I haven't spoken with Doug yet, but I got to thinking about the issue we discussed earlier. Don't we provide in other areas of SB 190 that there will be "contemporaneous reporting" of expenditures by candidates and independents coupled with a requirement that for matching if spending limits by opponents and/or independents exceeded spending caps? If that is the case and we have a stand alone provision regarding the necessity of submitting campaign plans in advance which also provides for a match when spending limits are exceeded, do we still have a problem? My sense would be that if the workplan provision is invalidated by the courts on the basis of "prior restraint" we automatically have the "fallback" to the contemporaneous reporting. If I'm wrong on this let me know and I will recommend to Doug when I talk to him that we scrap the idea of an "advance plan" to avoid the constitutional issue since we get essentially the same remedy by utilizing a contemporaneous reporting/disbursement approach.

Thanks,
Bill

Kuesel, Jeffery

From: Burnett, Douglas
Sent: Friday, September 17, 1999 4:07 PM
To: Wenzel, Bill; Kuesel, Jeffery
Subject: RE: Supplemental grants for independent spending

I have reviewed the draft, and on point 3 of the drafters note, I believe the intent was to not adjust the qualifying contribution amounts downward, but just to retain the amounts in the bill: e.g. \$4,000 from within Wisconsin.

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

From: Wenzel, Bill
Sent: Friday, September 17, 1999 1:22 PM
To: Kuesel, Jeffery
Cc: Burnett, Douglas
Subject: RE: Supplemental grants for independent spending

Thanks Jeff. I just received your draft Amendment together with the Drafter's Note. I will take a close look at it this afternoon.

Bill

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

From: Kuesel, Jeffery
Sent: Friday, September 17, 1999 11:04 AM
To: Wenzel, Bill
Cc: Burnett, Douglas
Subject: Supplemental grants for independent spending

Bill, you are correct that in SB-190 we retain the current law requiring special reports of late independent disbursements over \$20 cumulatively. However, the supplemental grants under proposed s. 11.50 (9) (b) are tied to the reports of proposed disbursements and obligations under proposed s. 11.12 (6) (c). My first draft of your amendment (LRBa0598/1) has gone out, but I suggest you consider changing it to supplement for *either* proposed *or actual* disbursements or obligations reported under s. 11.12 (6). That way, if proposed s. 11.12 (6) (c) is voided by the courts, you'll still have the supplemental grants, although the candidates will get them later than they would have if they were paid out under proposed s. 11.12 (6) (c).

However, before we do this, why don't you go over the d note to the amendment so we can pick up any other changes you may need at the same time.

*Jeffery Kuesel
Managing Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison WI 53701-2037
(608)266-6778*

Kuesel, Jeffery

From: Burnett, Douglas
Sent: Tuesday, September 21, 1999 8:31 AM
To: Kuesel, Jeffery; Wenzel, Bill
Subject: RE: LRBa0598/1 - SA to AB 190

I agree: supplemental grants for both proposed and actual disbursements.

Doug Burnett
Office of Senate Majority Leader Chuck Chvala
608-266-9170

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

From: Kuesel, Jeffery
Sent: Tuesday, September 21, 1999 8:28 AM
To: Burnett, Douglas; Wenzel, Bill
Subject: RE: LRBa0598/1 - SA to AB 190

Doug and Bill:

A quick reply before I leave for 2 appointments. I think it is unprecedented and problematical to tell the courts, in effect, here's two versions of the law: the preferred version and the fallback version. The courts resist attempts to in effect put legislative decisions in their hands. However, we could easily pay supplemental grants for both proposed and actual disbursements and obligations, making sure not to double count the same disbursements and obligations. I think also it does help somewhat to be able to pay supplemental grants based on actual obligations, since it's sometimes necessary to obligate early and it gives the opponent some advance warning. Not to complicate things but just a reminder that the whole matching grant concept is up in the air constitutionally. The lower federal courts threw it out in Minnesota and Kentucky but the U.S. Supreme Court hasn't yet spoken.

I would recommend for now that we go with supplemental grants for both proposed and actual disbursements and obligations.

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

From: Burnett, Douglas
Sent: Monday, September 20, 1999 1:08 PM
To: Wenzel, Bill; Kuesel, Jeffery
Subject: RE: LRBa0598/1 - SA to AB 190

Over to you Jeff. Is it doable to have both available for the SEB, with the advance reporting requirements and disbursements to candidates in place, which could then be replaced by the contemporaneous process if the advance requirements are found unconstitutional?

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

From: Wenzel, Bill
Sent: Monday, September 20, 1999 12:32 PM
To: Burnett, Douglas; Kuesel, Jeffery
Subject: RE: LRBa0598/1 - SA to AB 190

Doug - -

If this is doable I think it's great! My concern was that if the workplan with disbursements tied to proposed expenditures was overturned on constitutional grounds we would not be able to require that disbursements be made on the basis of actual expenditures from the contemporaneous reporting requirements since those provisions do not deal with "disbursements" and that if we put in "disbursement based on actual expenditure" language in the contemporaneous reporting provisions we would create conflicting statutory processes.

Sincerely,
Bill

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

From: Burnett, Douglas
Sent: Monday, September 20, 1999 10:36 AM
To: Wenzel, Bill; Kuesel, Jeffery
Subject: RE: LRBa0598/1 - SA to AB 190

I strongly believe that we need to try to stick with the "proposed" expenditure scheme, and have the actual as a backup in case the proposed option is found unconstitutional. Here's why:

Here's the problem with not having the workplans, and the original rationale for them: say WEAC or WMC starts a \$200,000 advertising campaign for the last 10 days of an election in a Senate district (which is entirely possible in a Milwaukee, Chicago, or Minneapolis media market). With contemporaneous reporting, the organization could time the expenditures so that they are reporting 1/10th (1 day) of the total expenditure the day it is made. They would simply arrange with the TV station to buy and pay for one day at a time. The candidate opposed would then receive a check 48 hours or maybe 72 hours after the expenditure for the cost of 1 day of the TV time. At that point they are 7 days from the election, have a very bad cash flow problem, and it is impossible to catch up to the spending by the other side.

Say the organization did not go to the extraordinary lengths above to avoid reporting all at once, or were unable to get a TV station to go along with it. Then a candidate opposed would receive a check for \$200,000 7 days from the election, maybe 8. At that point, most TV stations are all booked up and won't sell any more time. I know that was the case in the Madison market in 98 and 96. In 98 time had to be reserved for the 3 weeks before the election by Labor Day because of the high demand. With issue ads, the FCC has ruled that the equal time/equal access rule does not apply, so there is no legal obligation of the station to sell the candidate the time to match the issue ads. So the candidate opposed is stuck with all that cash, which they would then have to refund to the state because they were unable to spend it.

Another example, in another medium: mail campaigns also tend to happen at the end of the election: generally a very aggressive mail campaign will involve 7 pieces of mail over the last 12-14 days of an election for a total of 350,000 pieces. It is easy to spend \$100,000 on such a campaign. The expenditures and 24 hour reporting or even same day reporting with a 24 hour match to the candidate opposed again makes it impossible for the candidate to respond and use the money. Mail campaigns take almost as much lead time as TV: it would be impossible to turn around 7 mail pieces from design to printing to mailing even if it were all reported by the organization in one expenditure. By 2 weeks out from the election last year, nearly every mail processing and printing house in the state was booked up with campaign work. And it is highly unlikely that an organization would not take advantage of the ability to report each piece as a separate expenditure, knowing that each would be matched by the state. Instead they would simply report each of the 7 mail pieces as they go in the mail, the last of which would go in the mail the Saturday before election day.

That leaves a candidate trying to anticipate the expenditures, under a spending limit, and even if bank loans or lines of credit could be secured, unable to expend the funds in anticipation of the onslaught.

So, in my view, contemporaneous reporting is very problematic, and something we would have to try to live with if the advance reporting requirements were found unconstitutional.

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

From: Wenzel, Bill
Sent: Monday, September 20, 1999 9:56 AM
To: Kuesel, Jeffery; Burnett, Douglas
Subject: RE: LRBa0598/1 - SA to AB 190

From my perspective we would have to pay supplemental grants based on "actual" disbursements - rather than on "proposed". If we left proposed limits as the basis for the supplemental grants it could be argued that disbursements were not intended to be linked to contemporaneous reporting. If the "workplan" reporting provisions were ultimately found to be unconstitutional - we might be left with an inability to disburse

supplemental grants. Conversely if we go with "actual" disbursements the workplan becomes meaningless because we'd have to wait until the spending was reported. I'm beginning to come to the conclusion that we should scrap the "workplan reporting/disbursement" scheme and go strictly with the alternative "contemporaneous reporting/immediate disbursement based on actual spending".

Also, these emails have been circulated since my receipt of LRBa0598/1. I am assuming that we will see a "/2" which incorporates these our decisions on these issues?

Bill

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

From: Kuesel, Jeffery
Sent: Saturday, September 18, 1999 12:31 PM
To: Burnett, Douglas
Cc: Wenzel, Bill
Subject: LRBa0598/1 - SA to AB 190

Doug, I can easily delete all changes to the qualifying amounts. Before I redraft, I was wondering whether you still wanted to consider paying supplemental matching grants for *actual* independent disbursements and obligations, rather than just for *proposed* independent disbursements and obligations (per my e mail to Bill Wenzel on the 17th).

*Jeffery Kuesel
Managing Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison WI 53701-2037
(608)266-6778*



State of Wisconsin
1999 - 2000 LEGISLATURE

90636/1
LRBa0598/1
JTK:kmgjf

wanted by THU 9/23-Ann

**SENATE AMENDMENT,
TO 1999 SENATE BILL 190**

✓
Pages
1-1

At the locations indicated, amend the bill as follows:

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- 12

1. Page 25, line 5: delete "\$500,000" and substitute "\$800,000".
2. Page 25, line 6: delete "\$150,000" and substitute "\$250,000".
3. Page 25, line 9: delete "\$50,000" and substitute "\$85,000".
4. Page 25, line 10: delete "\$25,000" and substitute "\$30,000".
5. Page 25, line 11: delete "\$12,500" and substitute "\$15,000".
6. Page 30, line 6: delete "\$100,000" and substitute "\$70,000".
7. Page 30, line 9: delete "\$50,000" and substitute "\$35,000".
8. Page 34, line 7: delete the material beginning with "1,000" and ending with "2,000" on line 8 and substitute "800 nor more than 1,600".
9. Page 34, line 10: delete that line and substitute "400 nor more than 800 electors."

Page 21, line 10: delete "Election" and substitute "Election Postelection"

- 1 **10.** Page 35, line 18: delete "\$80,000" and substitute "\$64,000".
- 2 **11.** Page 35, line 19: delete "\$24,000" and substitute "\$55,999".
- 3 **12.** Page 35, line 22: delete "\$8,000" and substitute "\$6,133".
- 4 **13.** Page 35, line 23: delete "\$4,000" and substitute "\$2,133".
- 5 **14.** Page 35, line 24: delete "\$2,000" and substitute "\$1,066".
- 6 **15.** Page 37, line 20: delete "\$1,500,000" and substitute "\$1,200,000".
- 7 **16.** Page 37, line 21: delete "\$150,000" and substitute "\$350,000".
- 8 **17.** Page 37, line 24: delete "\$150,000" and substitute "\$115,000".
- 9 **18.** Page 37, line 25: delete "\$75,000" and substitute "\$40,000".
- 10 **19.** Page 38, line 1: delete "\$37,500" and substitute "\$20,000".

(END)

JWS
11
2-10

ANS 1-111

✓ # Page 17, line 12: delete "incurs or intends".

✓ # Page 17, line 23: delete "incurred or".

✓ # Page 17, line 24: after that line insert:

✓ # Page 17, line 9: after "made." insert "A committee that files a report pertaining to a disbursement under par. (c) is not required to file a report pertaining to the same disbursement under this paragraph.".

- 17 -
JWS 1-1:2

1 making the disbursement, inform the appropriate filing officer of the information
2 required under s. 11.06 (1) in such manner as the board may prescribe. The
3 information shall also be included in the next regular report of the individual or
4 committee under s. 11.20. For purposes of this subsection paragraph, disbursements
5 cumulate beginning with the day after the last date covered on the preprimary or
6 preelection report and ending with the day before the primary or election. Upon
7 receipt of a report under this subsection paragraph, the filing officer shall, within 24
8 hours of receipt, mail a copy of the report to all candidates for any office in support
9 of or opposition to one of whom a disbursement identified in the report is made.

10 SECTION 21. 11.12 (6) (c) and (d) of the statutes are created to read:

11 ^{11.12 (6) (c)} If any committee identified under s. 11.05 (3) (c) ~~intends to make~~^{incurs}
12 any disbursement or ~~incurs or intends to incur~~ any obligation to make a
13 disbursement for the purpose of advocating the election or defeat of a clearly
14 identified candidate for a state office specified in s. 11.31 (1) (a) to (f) at the general
15 or a special election, or any such candidate who seeks a nomination for such an office
16 at a primary election, without cooperation or consultation with a candidate or agent
17 or authorized committee of a candidate who is supported or whose opponent is
18 opposed, and not in concert with or at the request or suggestion of such a candidate,
19 agent or committee, the committee shall, ^{not later than 24 hours after making} ~~no later than 21 days prior to the activity~~
20 ~~intended to be funded by~~ ^{incurring the} the disbursement or obligation, report to the board in such
21 manner as the board may prescribe, the name of each candidate who is supported or
22 whose opponent is opposed and the total amount of disbursements ~~made~~^{made} and
23 obligations ~~incurred~~^{incurred} for such a purpose in support or opposition to
24 that candidate."

✓ # Page 18, line 1: delete "2." and substitute "3."
✓ # Page 18, line 2: before "disbursement" insert "proposed"
Δ is

ANS 1-1:3

✓ # Page 19, line 24: after "(8)" insert "(a)".

✓ # Page 20, line 1: delete "incurs or intends".

✓ # Page 20, line 8: delete "any" and substitute "each".

~~# Page 20, line 12: after "11.20" insert "A comm. here that files a report under this paragraph concerning a proposed disbursement or obligation is not required to file a report pertaining to the same disbursement or obligation under par. (b)."~~

✓ # Page 20, line 12: after that line insert:

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JWS 1-1:4

1 ~~(b) The first report filed by a candidate or personal campaign committee under~~
2 ~~par. (a) during any campaign shall include the information required under par. (a)~~
3 ~~for all contributions received since the closing date for the preceding report filed by~~
4 ~~that candidate or committee as provided in s. 11.20 (8).~~

5 (d) 1. In this paragraph, "consumer price index" means the average of the
6 consumer price index over each 12-month period, all items, U.S. city average, as
7 determined by the bureau of labor statistics of the federal department of labor.

8 2. The dollar amounts of the total contributions under par. (a) shall be subject
9 to a biennial adjustment to be determined by rule of the board in accordance with this
10 subdivision. To determine the adjustment, the board shall calculate the percentage
11 difference between the consumer price index for the 12-month period ending on
12 December 31 of each odd-numbered year and the consumer price index for the base
13 period, calendar year 2001. For each biennium, the board shall multiply the amount
14 of each contribution amount under par. (a) by the percentage difference in the
15 consumer price indices. The board shall adjust each amount to substitute that result
16 for the existing amount to the extent required to reflect any difference, rounded to
17 the nearest multiple of \$25. The amount so determined shall then be in effect until
18 a subsequent rule is promulgated under this subdivision. Notwithstanding s. 227.24
19 (1) (a), (2) (b) and (3), determinations under this subdivision may be promulgated as
20 an emergency rule under s. 227.24 without providing evidence that the emergency
21 rule is necessary for the public peace, health, safety or welfare and without a finding
22 of emergency.

23 ~~SECTION 23. 11.12 (8) of the statutes is created to read:~~

24 ~~11.12 (8)~~ ^{*(b)*} If a candidate at the general or a special election for a state office
25 specified in s. 11.31 (1) (a) to (f) who does not accept a grant under s. 11.50 *intends*

SENATE BILL 190

SECTION 23

JWS 1-1:5

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~~Who~~ make ^{any} disbursement or incurs ~~or intends to incur~~ an obligation to make ~~any~~ disbursement after that candidate has made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding the amount specified in s. 11.31 (1) (a) to (f), as adjusted under s. 11.31 (9), for the office which the candidate seeks, that candidate or the candidate's personal campaign committee shall, no later than ~~21~~ ^{24 hours after making} days prior to the activity ~~intended to be funded by~~ ^{incurring the} the disbursement or obligation, report to the board the information required under s. 11.06 (1) in such manner as the board may prescribe. ~~The report shall include the same information concerning any proposed disbursement or obligation that is required to be reported for a disbursement that has been made or an obligation that has been incurred.~~ The information required under s. 11.06 (1) shall also be included in the next regular report of the candidate or committee under s. 11.20.

SECTION 24. 11.16 (5) of the statutes is amended to read:

~~11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political party committee or legislative campaign committee may, pursuant to a written escrow agreement with more than one candidate, solicit contributions for and conduct a joint fund raising effort or program on behalf of more than one named candidate. The agreement shall specify the percentage of the proceeds to be distributed to each candidate by the committee conducting the effort or program. The committee shall include this information in all solicitations for the effort or program. All contributions received and disbursements made by the committee in connection with the effort or program shall be received and disbursed through a separate depository account under s. 11.14 (1) that is identified in the agreement. For purposes of s. 11.06 (1), the committee conducting the effort or program shall prepare a schedule in the form prescribed by the board supplying all required~~

SENATE BILL 190

SECTION 90

Page 38, line 3: delete lines 3 & 15 and substitute:

6. ~~For a candidate for the office of representative to the assembly, \$37,500.~~

~~SECTION 91. 11.50 (9) (b) of the statutes is created to read:~~

11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or more candidates in a general or special election whose names are certified under s.

7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee intends to ~~receive~~ *make any disbursement or to incur any obligation to make any disbursements that is or receives any contribution or contributions that are intended to be used for the*

~~use~~ to oppose the election of the eligible candidate who accepts a grant or to support a certified opponent of that candidate without cooperation or consultation with any certified opposing candidate or such a candidate's agent or authorized committee,

and not in concert with, or at the request or suggestion of any certified opposing candidate's agent or authorized committee, then the board shall make an additional

grant to the eligible candidate who accepts a grant in an amount equal to the total amount of ~~contributions received~~ *disbursements intended to be made or made and obligations*

certified opposing candidate or for the purpose of opposing the election of the eligible candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

~~SECTION 92. 11.50 (9) (ba) of the statutes is created to read:~~

11.50 (9) (ba) If an eligible candidate who accepts a grant is opposed by one or more candidates in a general or special election who are required, or whose personal campaign committees are required, to file a report under s. 11.12 (7) or (8), then the

board shall make an additional grant to the eligible candidate who accepts a grant in an amount equal to the total amount or value of contributions accepted by the

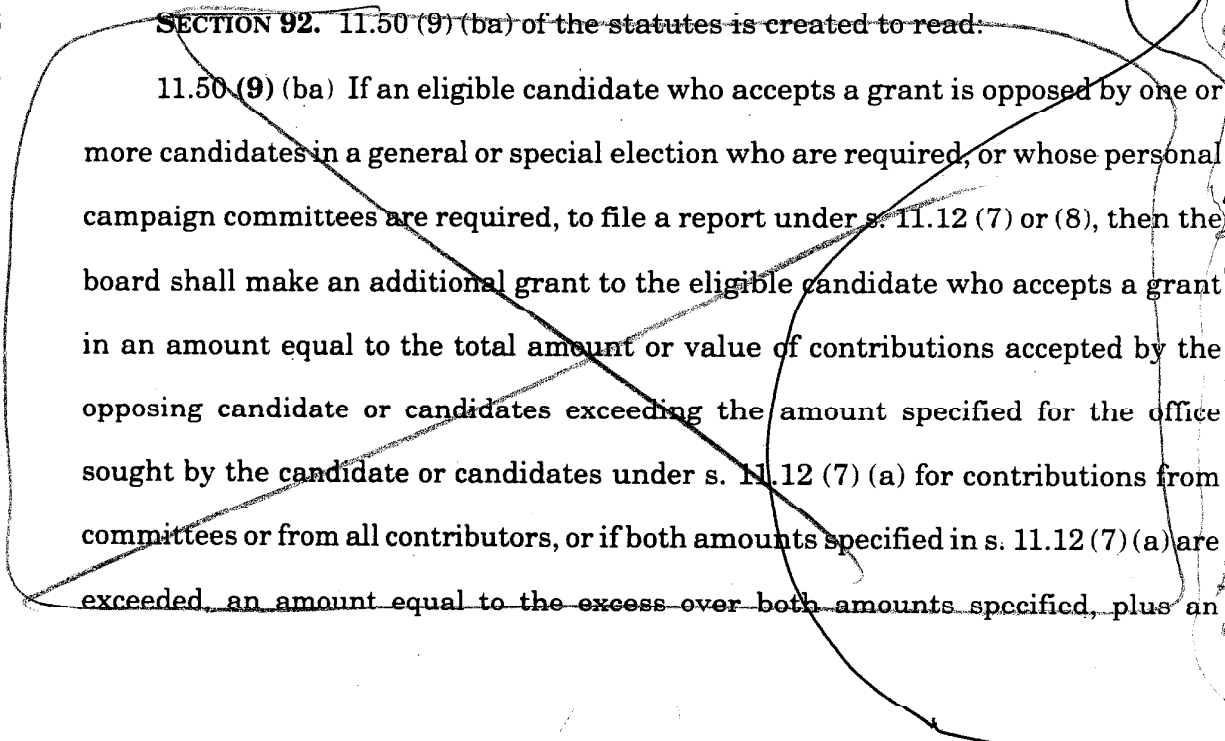
opposing candidate or candidates exceeding the amount specified for the office sought by the candidate or candidates under s. 11.12 (7) (a) for contributions from

committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are exceeded, an amount equal to the excess over both amounts specified, plus an

~~amount equal to the excess over both amounts specified, plus an~~

disbursement that is used for such a purpose, intended to be incurred or incurred, less any proposed disbursements or proposed or actual obligations for the same purpose that were previously reported

make any disbursement or to incur any obligation to make any disbursements that is or receives any contribution or contributions that are intended to be used for the



JNS 2-10:2

✓ # Page 39, line 1: delete the material beginning with "obligations" and ending with "obligations" in (in) line 3 and substitute "disbursements intended to be made or made and obligations intended to be incurred or incurred".

✓ # Page 39, line 5: delete "both." and substitute "both, less any proposed disbursements or proposed or actual obligations for the same purpose that were previously reported".

(End of insert)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0636/1dn

JTK.....

mg

This amendment redrafts and replaces LRBa0598.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0636/1dn
JTK:kmg:hnh

September 22, 1999

This amendment redrafts and replaces LRBa0598.

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0636/t 2
JTK:kmg:hmh

Wanted Wed 9/29

**SENATE AMENDMENT ,
TO 1999 SENATE BILL 190**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 17, line 9: after "made." insert "A committee that files a report
3 pertaining to a disbursement under par. (c) is not required to file a report pertaining
4 to the same disbursement under this paragraph."

5 **2.** Page 17, line 12: delete "incurs or intends".

6 ✓ # Page 17, line 14: delete the material beginning with "(f)" and ending
7 **3.** Page 17, line 23: delete "incurred or". with "election" in line 15 and
8 substitute "(d), (e) or (f)".

7 **4.** Page 17, line 24: after that line insert: f

8 "2. If any committee identified under s. 11.05 (3) (c) makes any disbursement
9 or incurs any obligation to make a disbursement for the purpose of advocating the
10 election or defeat of a clearly identified candidate for a state office specified in s. 11.31
11 (1) (a) to (f) at the general or a special election, or any such candidate who seeks a
12 nomination for such an office at a primary election, without cooperation or
13 consultation with a candidate or agent or authorized committee of a candidate who

✓ # page 18, line 8: after "to" insert "(d), (e) or".

1 is supported or whose opponent is opposed, and not in concert with or at the request
2 or suggestion of such a candidate, agent or committee, the committee shall, no later
3 than 24 hours after making the disbursement or incurring the obligation, report to
4 the board, in such manner as the board may prescribe, the name of each candidate
5 who is supported or whose opponent is opposed and the total amount of
6 disbursements made and obligations incurred for such a purpose in support of or
7 opposition to that candidate."

8 **5.** Page 18, line 1: delete "2." and substitute "3."

9 **6.** Page 18, line 2: before "disbursement is" insert "proposed".

✓ # page 18, line 7: delete "at the general or a special election".

10 **7.** Page 19, line 24: after "(8)" insert "(a)".

✓ # page 19, line 24: delete "at the general or a special election".

11 **8.** Page 20, line 1: delete "incurs or intends".

✓ # page 19, line 25: after "to" insert "(d), (e) or".

12 **9.** Page 20, line 8: delete "any" and substitute "each".

✓ # page 20, line 4: after "to" insert "(d), (e) or".

13 **10.** Page 20, line 12: after that line insert:

14 "(b) If a candidate at the general or a special election for a state office specified
15 in s. 11.31 (1) (a) to (f) who does not accept a grant under s. 11.50 makes any
16 disbursement or incurs any obligation to make a disbursement after that candidate
17 has made disbursements during his or her campaign, as defined in s. 11.31 (7),
18 exceeding the amount specified in s. 11.31 (1) (a) to (f), as adjusted under s. 11.31 (9),
19 for the office which the candidate seeks, that candidate or the candidate's personal
20 campaign committee shall, no later than 24 hours after making the disbursement or
21 incurring the obligation, report to the board the information required under s. 11.06
22 (1) in such manner as the board may prescribe. The information required under s.
23 11.06 (1) shall also be included in the next regular report of the candidate or
24 committee under s. 11.20."

✓ # page 21, line 6: after "to" insert "(d), (e) or".

✓ # Page 20, line 20: delete "(intro.)".

✓ # Page 21, line 11: after "to" insert "(d), (e) or".

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11. Page 21, line 10: delete "Election" and substitute "Election Postelection".

✓ # Page 21, line 12: delete "Election" and substitute "Postelection".

12. Page 25, line 5: delete "\$500,000" and substitute "\$800,000".

13. Page 25, line 6: delete "\$150,000" and substitute "\$250,000".

14. Page 25, line 9: delete "\$50,000" and substitute "\$85,000".

15. Page 25, line 10: delete "\$25,000" and substitute "\$30,000".

16. Page 25, line 11: delete "\$12,500" and substitute "\$15,000".

✓ # Page 27, line 3: delete lines 3 to 9.

17. Page 30, line 6: delete "\$100,000" and substitute "\$70,000".

18. Page 30, line 9: delete "\$50,000" and substitute "\$35,000".

19. Page 34, line 7: delete the material beginning with "1,000" and ending with "2,000" on line 8 and substitute "800 nor more than 1,600".

20. Page 34, line 10: delete that line and substitute "400 nor more than 800 electors."

21. Page 37, line 20: delete "\$1,500,000" and substitute "\$1,200,000".

22. Page 37, line 21: delete "\$150,000" and substitute "\$350,000".

23. Page 37, line 24: delete "\$150,000" and substitute "\$115,000".

24. Page 37, line 25: delete "\$75,000" and substitute "\$40,000".

25. Page 38, line 1: delete "\$37,500" and substitute "\$20,000".

26. Page 38, line 3: delete lines 3 to 15 and substitute:

"11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or more candidates in a general or special election whose names are certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee intends to make any disbursement or to incur any obligation to make any disbursement that is

FWS3A

✓ # Page 22, line 1: after "to" insert "(d), (e) or".

✓ # Page 23, line 12: after "to" insert "(d), (e) or".

✓ # Page 23, line 19: after "to" insert "(d), (e) or".

1 intended to be used to oppose the election of the eligible candidate who accepts a
 2 grant or to support a certified opponent of that candidate without cooperation or
 3 consultation with any certified opposing candidate or such a candidate's agent or
 4 authorized committee, and not in concert with, or at the request or suggestion of any
 5 certified opposing candidate's agent or authorized committee, or if a committee
 6 makes any disbursement or incurs any obligation to make any disbursement that is
 7 used for such a purpose, then the board shall make an additional grant to the eligible
 8 candidate who accepts a grant in an amount equal to the total amount of
 9 disbursements intended to be made or made and obligations intended to be incurred
 10 or incurred for the purpose of advocating the election of the certified opposing
 11 candidate or for the purpose of opposing the election of the eligible candidate who
 12 accepts the grant, as reported by committees under s. 11.12 (6) (c), less any proposed
 13 disbursements or proposed or actual obligations for the same purpose that were
 14 previously reported."

✓ # Page 38, line 18: delete "in a general or special election".

15 **27.** Page 39, line 1: delete the material beginning with "obligations" and
 16 ending with "obligations" in line 3 and substitute "disbursements intended to be
 17 made or made and obligations intended to be incurred or incurred".

✓ # Page 39, line 4: after "to" insert "(d), (e) or".

18 **28.** Page 39, line 5: delete "both." and substitute "both, less any proposed
 19 disbursements or proposed or actual obligations for the same purpose that were
 20 previously reported".

✓ # Page 45, line 19: delete "11.01 (16) (a) 3., 11.12 (6) (c)" and
 21 "(11.05 (14), 11.12 (6) (c) 1.". ~~END~~

✓ # Page 40, line 12: after "to" insert "(d), (e) or".
 ✓ # Page 40, line 24: after ~~to~~ insert "(a) to" "(d), (e) or".
 ✓ # Page 42, line 16: after ~~to~~ insert "(a) to" "(d), (e) or".

✓ # Page 45, line 19: delete "11.01 (16) (a) 3., 11.12 (6) (c)"
 and substitute "11.05 (14), 11.12 (6) (c) 1.". (End)

substitute

INS 3A

- ✓ # Page 24 line 16: delete " the general election or a special " and substitute "an".
- ✓ # Page 22, line 17: after ~~"a"~~ "to" insert "(d), (e) or".
- ✓ # Page 22, line 21: after "to" insert "(d), (e) or".