

1999 DRAFTING REQUEST

Senate Amendment (SA-SB190)

Received: 03/14/2000

Received By: **kuesejt**

Wanted: **Today**

Identical to LRB:

For: **Mary Panzer (608) 266-7513**

By/Representing: **Maureen McNally**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

SA to SB-190

Instructions:

Per attached, #5.

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 03/14/2000	jgeller 03/14/2000		_____			
/1			martykr 03/14/2000	_____	lrb_docadmin 03/14/2000	lrb_docadmin 03/14/2000	

FE Sent For:

<END>

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FE Sent For:

<END>

Kuesel, Jeffery

From: McNally, Maureen
Sent: Tuesday, March 14, 2000 8:33 AM
To: Kuesel, Jeffery

1. SB113 The Ellis Plan-as a substitute amendment to the bill

And the following simple amendments

2. An amendment requiring candidate to receive a set amount in donations of less than \$100 from within their district in order to qualify for the state grant (amounts as enumerated in the Ellis plan - SB 113)
3. An amendment that includes the penalties contained within the Ellis plan (nullifying the election, special election called, etc.) if the rules of the grant are violated.
4. An amendment to make funding of the plan sum sufficient.
5. An amendment to prohibit sitting legislators from soliciting a specific monetary campaign contribution *for any candidate* in exchange for specific legislative action. (See attached information)
6. An amendment requiring that candidates receive no more than \$1,000 on any given day from a state other than Wisconsin.
7. An amendment that imposes a \$100 fine per offense for not listing, within campaign finance reports, the occupation of contributors who give more than \$100 per cycle. With the fine going to the Common School Fund.
8. An amendment to ban PAC to PAC transfers; conduit to conduit transfers; and conduit to PAC transfers.

Thank you!

Maureen McNally
Chief of Staff
Senate Republican Leader Mary Panzer
202 South, State Capitol
608/266-7513
maureen.mcnally@legis.state.wi.us

The Need for Campaign Finance Reform

There is nothing in Wisconsin law that prohibits a legislator from soliciting a campaign contribution in exchange for a vote on a specific issue, and there is growing concern that certain legislators may be engaging in this practice. Wisconsin needs an enforceable law that would clearly prohibit the exchange of campaign contributions for specific votes, or other critical actions on the part of the legislature. Surprisingly, neither the Wisconsin lobbying law (Wis. Stat. §13.61-13.75), the campaign finance law (Wis. Stat. Chap. 11), the state ethics code (Wis. Stat. §19.41-19.59), nor the bribery statute (Wis. Stat. §946.10) prohibit this practice.

The Lobbying Law

Under Wisconsin's lobbying law (Wis. Stat. §13.625(3)), candidates and elected state officials are generally prohibited from soliciting anything of pecuniary value from lobbyists or principals. However, the lobbying law provides a specific exception to this prohibition for campaign contributions. Nothing in the lobbying law, therefore, would prohibit a legislator from soliciting a campaign contribution for him or herself, or another legislator, in exchange for a vote on a particular issue.

Lobbyists may only make contributions to candidates or elected state officials between June 1st and the day of the general election (Wis. Stat. §13.625(1)(c)). However, political action committees or conduits run by principals may make contributions to candidates and elected state officials at any time during the year.

The State Ethics Code

The state ethics code generally prohibits a public official from using his or her public position to gain anything of private benefit for him or herself, or his or her immediate family. However, this prohibition contains a specific exception for campaign contributions. The relevant section (Wis. Stat. §19.45(2)) provides:

No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself, or his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit a state public official from using the title or prestige of his or her office to obtain contributions permitted and reported as required by Chapter 11.

The state ethics code also contains provisions which prohibit a public official from soliciting anything of value in order to influence his or her vote or official action. Here again, this provision specifically excludes campaign contributions from the prohibition. The relevant section (Wis. Stat. §19.45(3)) reads in part:

...no state public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the state public official's vote, official actions, or judgement, or could reasonably be considered as a reward for any official action or inaction on the part of the state public official. This subsection does not prohibit a state public official from engaging in outside employment.

Because the ethics code defines "anything of value" in Wis. Stat. §19.42(1), to exclude "political contributions which are reported under Chap. 11," §19.45(3) is not a bar to a legislator's solicitation or acceptance of campaign contributions.

Therefore there is nothing in the state ethics code that prohibits a legislator from soliciting contributions to his or her campaign committee or the campaign committee of another legislator in exchange for a vote on a bill or other official action.

The Campaign Financing Act

There are also several restrictions on solicitation of contributions for political purposes contained in the campaign financing act (Wis. Stat. Chap. 11), but these statutes involve solicitation of gifts or anything of value from candidates (Wis. Stat. §11.34) or solicitation or receipt of contributions or services for political purposes from state officers or employees (Wis. Stat. §11.36). Nothing in Chap. 11 would prohibit a legislator from soliciting contributions to his or her campaign committee or that of another legislator in exchange for a vote on a bill or other official action.

Bribery and Official Misconduct

Wisconsin's bribery statute (Wis. Stat. §946.10) prohibits the giving or receiving of anything of value in exchange for an official action where the public official is "not authorized to receive" the thing of value. Campaign contributions are made to the campaign committees of elected state officials and they are authorized to receive those contributions under Wis. Stat. Chap 11. As a result, nothing in the bribery statute would prohibit a legislator from soliciting campaign contributions for his or her campaign committee or that of another in exchange for votes on a particular issue or other official action.

Proposed Legislation

What is needed is legislation specifically prohibiting the practice of soliciting campaign contributions as a quid pro quo for legislative action. The following language would establish such a clear prohibition in Wisconsin law.

Section 19.45(13) of the Wisconsin Statutes is created to read:

(13) No member of the legislature may give, offer, or promise to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature in consideration or upon condition that any other person make a contribution or provide any service or other thing of value to or for the benefit of a candidate, political party or registrant under §11.05.

1999

Date (time) needed

TUE 3/14 - NOON

LRB a 1786, 1

AMENDMENT

JTK : JL :

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 2, line 7: after that line, insert "standards of conduct for state public officials,"

#. Page 43, line 2: after that line insert:
"SECTION 102M. **(NO \$)**"

~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

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Section 19.45^(A) (13) of the Wisconsin Statutes is created to read: ← plain

19.45^(B) (13) No member of the legislature may give, offer, or promise to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature in consideration or upon condition that any other person make a contribution or provide any service or other thing of value to or for the benefit of a candidate, political party or registrant under §11.05. "

s.
(End) ✓

Typed