

**1999 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB263)**

Received: 11/04/1999

Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: Joanne Huelsman (608) 266-2635

By/Representing: Steve Knuteson - SRC

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters:

Subject: Elections - campaign finance

Extra Copies: Steve Knuteson - SRC- 1  
RJM - 1

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**Pre Topic:**

No specific pre topic given

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**Topic:**

S-Sub to SB-263

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**Instructions:**

See Attached.

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**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 11/04/1999	chanaman 11/04/1999		_____			
/1			jfrantze 11/04/1999	_____	lrb_docadmin 11/04/1999	lrb_docadmin 11/04/1999	

FE Sent For:

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12/1	kuesejt	11/4 cmst 11/4	11/4	11/4 11/4			
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State of Wisconsin  
1999 - 2000 LEGISLATURE

50182/1  
LRB-975073

JFK&RJM:cmh:km

SENATE SUB AMNT

Z JIN  
cmh

70

1999 SENATE BILL 263

Wanted NOW

October 20, 1999 - Introduced by Senators CLAUSING, BURKE and WIRCH, cosponsored by Representatives TRAVIS and LASSA. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 AN ACT <sup>(regenerate)</sup> to amend 11.06 (2), and to create 11.05 (14) of the statutes; relating to:  
2 mass media activities in relation to election campaigns.

**Analysis by the Legislative Reference Bureau**

Currently, individuals who accept contributions, organizations that make or accept contributions, or individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed. A person who violates the registration and reporting requirements may be subject to civil and criminal penalties, depending upon the type of violation. Currently, when a person is alleged to have violated registration and reporting requirements, the state has the burden of proving that the violation occurred.

This bill provides that, whenever any person publishes, disseminates or broadcasts any communication that includes a reference to a candidate for an office to be filled at an election, during the 60-day period preceding that election or during the 30-day period preceding any primary for that election, and the communication is substantially directed toward the electorate for that election, it is presumed that the communication is made for the purpose of influencing the election or nomination for election of that candidate, unless the person making the communication establishes, by a preponderance of the evidence, that the communication was not made for that purpose. If the person fails to rebut the presumption provided under

renumbered 11.06 (2) (a) (intro.) and

Section #. 11.06 (2) of the statutes is amended to read:

11.06 (2) ~~DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS~~ <sup>(a) (intro.)</sup> Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate or by a committee or group which is not primarily organized for political purposes, and the disbursement does not constitute a contribution to any candidate or other individual, committee or group, the disbursement or obligation is required to be reported only if the ~~purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum~~ <sup>(b)</sup>. The exemption provided by this subsection shall in no case be construed to apply to a political party, legislative campaign, personal campaign or support committee.

History: ~~1973 c. 334; 1975 c. 93 ss. 47 to 53, 119 (2); 1975 c. 199; 1979 c. 263, 328; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2.~~ <sup>strike period</sup>

INSERT B

disbursement is for the purpose of making a communication

INSERT A

**EIBd 1.28 Scope of regulated activities; election of candidates (1) Definitions. As used in this rule: ...**

(2) Individuals other than candidates and committees other than political committees are subject to the applicable disclosure-related and recordkeeping-regulated requirements of ch. 11, Stats., only when they:

INSERT

(A)

~~Make expenditures for the purpose a communication~~  
containing terms such as the following or their functional equivalents with reference to a clearly identified candidate that expressly ~~advocates~~ advocates the election or defeat of ~~the~~ identified that candidate and that unambiguously relate to the campaign of that candidate:

score text

INSERT  
B

11.06(2)(a)  
(B)

1. "Vote for" ⊙
2. "Elect" ⊙
3. "Support" ⊙
4. "Cast your ballot for" ⊙
5. "Smith for Assembly" ⊙
6. "Vote against" ⊙
7. "Defeat" ⊙
8. "Reject" ⊙

NO SCORING

(End)

SECTION #. 11.06(2)(a) 1. to 8. of the statutes are created to read: