

**2001 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB18)**

Received: 03/06/2001

Received By: **rmarchan**

Wanted: 03/06/2001

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **himself**

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

Drafter: **rmarchan**

May Contact:

Adl. Drafters: **kuesejt**

Subject: **Elections - campaign finance**

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

ASA to AB-18

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**Instructions:**

Same as version of SB-2 that passed the Senate, plus AA's 1,2,3,4, and 6.

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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>
/?	rmarchan 03/06/2001	csicilia 03/06/2001					
/1			pgreensl 03/06/2001		lrb_docadmin 03/06/2001	lrb_docadmin 03/06/2001	

FE Sent For:

<END>

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/?	rmarchan	1 jjs 3/6 01	3/6 ps	3/6 self			

FE Sent For:

<END>

(DUSTE)

Wanted Tue 3/6 12:30pm

**ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2001 ASSEMBLY BILL 18**

(regenerate)

1 AN ACT ~~to repeal 11.06 (3) (b), to amend 11.06 (1) (intro.), 11.06 (2), 11.12 (4) and~~  
 2 ~~11.61 (1) (a) to (c); and to create 11.01 (13) and (20), 11.01 (16) (a) 3., 11.60 (3s)~~  
 3 ~~and 11.61 (1) (d) of the statutes; relating to:~~ the scope of regulation and *acceptance of contributions*  
 4 reporting of information by nonresident registrants under the campaign  
 5 finance law and providing a penalty ~~for~~ *making an appropriation,* and

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6 SECTION 1. 11.01 (13) and (20) of the statutes are created to read:  
 7 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of  
 8 substantially identical material.  
 9 (20) "Telephone bank operator" means any person who places or directs the  
 10 placement of 50 or more substantially identical telephone calls to individuals.  
 11 SECTION 2. 11.01 (16) (a) 3. of the statutes is created to read:

1           11.01 (16) (a) 3. A communication that is made by means of one or more  
2 communications media or a mass mailing, or through a telephone bank operator,  
3 other than a communication that is exempt from reporting under s. 11.29, that is  
4 made during the period beginning on the 60th day preceding an election and ending  
5 on the date of that election and that includes a name or likeness of a candidate whose  
6 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that  
7 election or the name of an office to be filled at that election.

8           **SECTION 3.** 11.06 (1) (intro.) of the statutes is amended to read:

9           11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), (3) and  
10 (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full  
11 reports, upon a form prescribed by the board and signed by the appropriate  
12 individual under sub. (5), of all contributions received, contributions or  
13 disbursements made, and obligations incurred. Each report shall contain the  
14 following information, covering the period since the last date covered on the previous  
15 report, unless otherwise provided:

16           **SECTION 4.** 11.06 (2) of the statutes is amended to read:

17           11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding  
18 sub. (1), if a disbursement is made or obligation incurred by an individual other than  
19 a candidate or by a committee or group which is not primarily organized for political  
20 purposes, and the disbursement does not constitute a contribution to any candidate  
21 or other individual, committee or group, the disbursement or obligation is required  
22 to be reported only if the purpose is to expressly advocate the election or defeat of a  
23 clearly identified candidate or the adoption or rejection of a referendum or if the  
24 disbursement is made or the obligation incurred to make a communication that is  
25 specified in s. 11.01 (16) (a) 3. The exemption provided by this subsection shall in no

1 case be construed to apply to a political party, legislative campaign, personal  
2 campaign or support committee.

3 SECTION 5. 11.06 (3) (b) of the statutes is repealed.

4 SECTION 6. 11.12 (4) of the statutes is amended to read:

5 11.12 (4) Each registrant shall report contributions, disbursements and  
6 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06  
7 (2), (3) and (3m), each report shall contain the information which is required under  
8 s. 11.06 (1).

9 SECTION 7. 11.60 (3s) of the statutes is created to read:

10 11.60 (3s) Notwithstanding sub. (1), if any person, including any committee,  
11 group, or corporation, fails to register or to report a contribution, disbursement, or  
12 incurred obligation, makes an unlawful contribution or disbursement, or incurs an  
13 unlawful obligation, and the violation results from a communication made for a  
14 political purpose described under s. 11.01 (16) (a) 3. but not from an act for a political  
15 purpose described under any other provision of s. 11.01 (16), the person may be  
16 required to forfeit not more than 3 times the amount or value of the contribution,  
17 disbursement, or incurred obligation.

18 SECTION 8. 11.61 (1) (a) to (c) of the statutes are amended to read:

19 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally  
20 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or  
21 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years  
22 and 6 months or both.

23 (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally violates s.  
24 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation does not  
25 involve a specific figure, or where the intentional violation concerns a figure which

Handwritten notes in a circle:  
RS  
3-8  
An arrow points from this circle to the word "Whoever" in line 9.

1 exceeds \$100 in amount or value may be fined not more than \$10,000 or imprisoned  
2 for not more than 4 years and 6 months or both.

3 (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally violates any  
4 provision of this chapter other than those provided in par. (a) and whoever  
5 intentionally violates any provision under par. (b) where the intentional violation  
6 concerns a specific figure which does not exceed \$100 in amount or value may be fined  
7 not more than \$1,000 or imprisoned not more than 6 months or both.

8 SECTION 9. 11.61 (1) (d) of the statutes is created to read:

9 11.61 (1) (d) Paragraphs (a) to (c) do not apply to any violation that is  
10 punishable under s. 11.60 (3s).

Handwritten notes: "DWS", "4-10", and a circled arrow pointing from line 10 to line 11.

11 SECTION 10. Initial applicability.

12 (1) The treatment of sections 11.06 (1) (intro.) and (3) (b) and 11.12 (4) of the  
13 statutes first applies with respect to reporting periods which begin on or after the  
14 effective date of this subsection.

15

(END)

**ASSEMBLY AMENDMENT 2,  
TO 2001 ASSEMBLY BILL 18**

*RWS 3-8*


February 15, 2001 - Offered by COMMITTEE ON CAMPAIGNS AND ELECTIONS.

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

2 1. Page 1, line 3: before "the" insert "acceptance of contributions and".

3 2. Page 4, line 5: after that line insert:

4 ~~SECTION 11.24~~ **SECTION 11.24 (1v)** of the statutes is created to read:

5 11.24 (1v) No registrant may accept any contribution made by a committee or  
6 group that does not maintain an office or street address within this state at the time  
7 that the contribution is made unless that committee or group is registered with the  
8 federal election commission under 2 USC 433 (a). 

9

~~(END)~~

*auto-number*

JWS 4-10

**ASSEMBLY AMENDMENT 4,  
TO 2001 ASSEMBLY BILL 18**

February 15, 2001 - Offered by COMMITTEE ON CAMPAIGNS AND ELECTIONS.

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

2 1. Page 1, line 4: delete "law" and substitute "law and making an  
3 appropriation".

4 2. Page 4, line 5: after that line insert:

5 ~~"SECTION 6t. Appropriation changes.~~

6 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
7 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the  
8 acts of 2001, the dollar amount is increased by \$67,400 for fiscal year 2001-02 and  
9 the dollar amount is increased by \$67,400 for fiscal year 2002-03 to increase the  
10 authorized FTE positions for the elections board by 1.0 GPR position and to provide  
11 for supporting expenses and to provide for limited term staffing needs for the purpose  
12 of implementing this act."

13

(END)

auto-number



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

500.63/1 dn  
LRB 00-00-00  
JTK/kmg/jf

March 6, 2001

Black  
Representative Jensen:

2. This substitute amendment provides an appropriation increase to the elections board for the 2001-03 fiscal biennium. Because the biennial budget bill repeals and recreates the appropriation schedule under s. 20.005 (3), stats., if this substitute amendment is adopted and SB-2 becomes law before the 2001-2003 biennial budget bill is enacted, that bill will eliminate the effect of this appropriation change. Therefore, you may wish to seek incorporation of this appropriation change into the budget bill.

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

+ RJM

1. Assembly Amendments 1, 3, and 6 are the same as Senate Amendments 3, 1, and 2, respectively.

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

LRBs0063/1dn  
JTK&RJM:cjs:pg

March 6, 2001

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