

2001 DRAFTING REQUEST

Bill

Received: 01/30/2001

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **David Ward (608) 266-3790**

By/Representing: **Kim Chase**

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

Drafter: **kuesejt**

May Contact:

Addl. Drafters: **rmarchan**

Subject: **Elections - campaign finance**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Grant repayment for making false statements

Instructions:

See Attached # 2.

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 05/04/2001 rmarchan 05/07/2001	csicilia 05/08/2001		_____			
/1			jfrantze 05/08/2001	_____	lrb_docadmin 05/08/2001	lrb_docadmin 05/10/2001	

FE Sent For:

<END>

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1?	kuesejt	1 ejs 5/8 01	7/5/8	7/6/8 5/8			

FE Sent For:

<END>

Kuesel, Jeffery

From: Chase, Kim
Sent: Monday, January 29, 2001 1:40 PM
To: Kuesel, Jeffery
Subject: request for bill drafts

Rep. Ward would like to request two bills related to election reform.

- (1) Currently, in order to qualify for the WECF grant, candidates need 6% of the vote in the primary election. Rep. Ward would like to propose furthering this to more of a "pro-ration" depending on the number of votes one receives in the primary. If a candidate receives 10% of the vote, he/she gets 50% of the grant. 15% vote, 75% of grant, 25% of vote, 100% of grant.
- (2) If candidates use part of their WECF grant to say/write things that are able to be proven as false, the candidate committee should be held liable for repaying the grant in full within 6 months. If not able to repay, the candidate is held liable. Further, if he/she is not able to repay, the campaign treasurer is to be held liable.

Thanks for your help!
Kim
Office of Rep. Ward

2001

Date (time)
needed

Wed 5/9

LRB - 2324, 1

BILL

JAK + RJM

: gjs:

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] *to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ...* of the statutes; relating to: *Use of moneys from the Wisconsin election campaign fund to make certain false representations @*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

ANALYSIS ATTACHED

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

SECTION #.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2324/lins2
JTK & RJM.....

ANALYSIS

Currently, a candidate for state office who accepts a grant from the Wisconsin election campaign fund may utilize the proceeds ~~for~~ to purchase ~~for~~ services from a communications medium; printing, graphic arts or advertising services; office supplies; or postage. Grant moneys may only be used to advance the candidacy of the grantee by lawful means. Currently, no person may knowingly make or publish, or cause to be made or published, a false representation pertaining to a candidate which is intended or tends to affect voting at an election.

This bill prohibits any candidate or campaign treasurer from incurring an obligation or making a disbursement (expenditure) in whole or in part derived from grant moneys for the purpose of making or publishing, or causing to be made or published, a false representation that is intended or tends to affect voting at the election for the office that the candidate seeks. If a candidate or campaign treasurer violates this requirement, the bill requires the elections board to order the campaign to repay the entire amount of the grant received by the candidate within 6 months of the date of the board's order. The bill permits the board to sue the candidate, the candidate's personal campaign committee, or the candidate's campaign treasurer to recover any amount due. Under the bill, if the board is unable to recover the entire amount due from the candidate's campaign treasury, the board may recover any deficiency from the candidate personally, or if the board cannot recover the entire amount from the candidate's campaign treasury and the candidate, from the campaign treasurer personally.

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Six

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2324/lins
JTK & RJM.....

SECTION 1. 11.10 (2) of the statutes is amended to read:

11.10 (2) A candidate may remove a campaign treasurer at any time. In case of the death, resignation or removal of a campaign treasurer, the candidate shall designate a successor and shall file the successor's name and address with the appropriate filing officer as provided in s. 11.05 (5). Until the successor's name and address is filed, the candidate shall be deemed his or her own campaign treasurer. If a candidate files the name of a successor and the candidate has filed an application for a grant under s. 11.50, the candidate shall also file with the board a sworn statement under s. 11.50 (2) (a), signed by the successor.

History: 1973 c. 334; 1975 c. 93, 199, 200; 1979 c. 328; 1985 a. 303 ss. 22, 86.

SECTION 2. 11.16 (1) (cm) of the statutes is created to read:

11.16 (1) (cm) In the event that an obligation is incurred or a disbursement is made from a campaign treasury for any purpose contrary to s. 11.50 (11) (em) and the obligation is incurred or the disbursement is made from grant moneys received under s. 11.50, the candidate is ~~initially~~ liable for any moneys recoverable under s. 11.50 (11) (em) that cannot be recovered from the campaign treasury, but if the board, after reasonable efforts, is unable to recover the entire amount of the moneys from the campaign treasury and the candidate, and the candidate has appointed a separate campaign treasurer, the board may recover any unrecovered moneys from the campaign treasurer.

SECTION 3. 11.50 (2) (a) of the statutes is amended to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination

papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m. on the 7th day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with the limitations at all times to which the limitations apply to his or her candidacy for the office in contest, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under par. (h), or par. (i) applies. The application shall also contain a sworn statement, signed by the candidate and, unless the candidate is serving as his or her own campaign treasurer, by the candidate's campaign treasurer, agreeing that no part of the grant will be used to make or publish, or cause to be made or published, a false representation ~~pertaining~~ ^{that pertains} to any candidate ^{and} that is intended or tends to affect voting at the election for the office that the candidate seeks.

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 4. 11.50 (11) (em) of the statutes is created to read:

11.50 (11) (em) No candidate or campaign treasurer may incur an obligation or make a disbursement^e in whole or in part derived from grant moneys received under this section for the purpose of making or publishing, or causing to be made or published, a false representation ~~pertaining~~ ^{that pertains} to any candidate ^{and} that is intended to or tends to affect voting at the election for the office that the candidate seeks. If any candidate or campaign treasurer^r violates this paragraph, the board shall require the

candidate to repay the entire amount of the grant received under this chapter for the election campaign in which the violation occurs within 6 months of the date of the board's order. The board may commence a civil action against a personal campaign committee, candidate, or campaign treasurer to recover any amount that is not paid pursuant to an order issued under this paragraph. For purposes of this paragraph, an obligation is incurred or a disbursement is made from grant moneys if, immediately prior to the time the obligation is incurred or the disbursement is made, the unencumbered moneys derived from private sources in the candidate's campaign treasury are not at least equal to the amount of the obligation or disbursement. In determining whether moneys are derived from private sources, obligations are considered to be incurred and disbursements are considered to be made from moneys deposited in a candidate's campaign treasury in the same order that those moneys were chronologically received and earnings are considered to be derived from the same sources as the principal on which they are earned.

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

May 8, 2001

MEMORANDUM

To: Representative Ward

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-2324/1 Grant repayment for making false statements

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.