

2001 DRAFTING REQUEST

Bill

Received: 12/27/2001

Received By: **rmarchan**

Wanted: 01/03/2002

Identical to LRB:

For: **David Travis (608) 266-5340**

By/Representing: **rebecca**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Travis@legis.state.wi.us**

Carbon copy (CC:) to: **rebecca.hoelter@legis.state.wi.us**
robert.marchant@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Composition of elections board

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>
/?	rmarchan 12/27/2001 kuesejt 01/02/2002	gilfokm 01/02/2002		_____			
/1			haugeca	_____	lrb_docadmin	lrb_docadmin	

Per RJM ASSEM.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			01/03/2002 _____		01/03/2002	01/08/2002	

FE Sent For: *None needed*

<END>

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/?	rmarchan 12/27/2001 kuesejt 01/02/2002	gilfokm 01/02/2002		_____			
/1			haugeca	_____	lrb_docadmin		

Jacketed (circled)
 → for Assm.
 (per RJM)

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			01/03/2002 _____		01/03/2002		

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/?	rmarchan	11-1/2-02 kmg	ch 1-30-02	ch 1-30-02 pkv			

FE Sent For:

<END>

Marchant, Robert

From: Hoelter, Rebecca
Sent: Thursday, December 20, 2001 4:28 PM
To: Marchant, Robert
Subject: bill draft request

Please draft a bill that alters the makeup of the Elections in the following way:

- Change current law under which all members of the board except one are appointed by partisan political leaders (one by each party's Senate and Assembly leaders, one by each major party, one by the governor). Substitute this with an appointment process where all members of the board are chosen by a supermajority of the nonpartisan Wisconsin Supreme Court. *use black draft*
- Members of the Election Board should be nonpartisan. *use Joe draft*
- The board has been chronically short-staffed and under-funded by the Legislature, hampering its ability to monitor compliance with election laws. Add an investigator and auditor to the Elections Board staff. *add from Shol draft, SA*

We would like a draft by the first week in January. Please call or email if you have any questions.

Thank you,
Rebecca Hoelter
Representative Dave Travis
266-5340

*don't include approp. ↑
(include analysts)*

Marchant, Robert

From: Travis, Dave
Sent: Thursday, December 27, 2001 1:46 PM
To: Marchant, Robert
Subject: RE: Elections board draft

1. Eight elections board members.
2. Five out of 7 justices is sufficient.
3. Immediately. *2 get rid of members so new members are appointed & qualified.*

If you have any other questions, please call my office. Thank you.

Dave

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

From: Travis, Dave
Sent: Thursday, December 27, 2001 9:48 AM
To: Rep.Travis
Subject: FW: Elections board draft

From: Marchant, Robert
Sent: Thursday, December 27, 2001 9:48:18 AM
To: Travis, Dave
Co: Hoolter, Rebecca; Kuesel, Jeffery
Subject: Elections board draft
Auto forwarded by a Rule

Representative Travis--

I have been working on your request regarding the composition and staffing of the elections board and have three questions.

1. Currently, the elections board has 8 members. Do you want to set the membership at 7 or 9, instead of 8, in order to avoid a 4-4 deadlock?
2. You indicated that the membership should be designated by a supermajority of the supreme court. Is 5 out of the 7 justices a sufficient majority?
3. Members of the elections board take office on May 1 of each odd-numbered year. Do you want your bill to apply beginning with the May 1, 2003 appointments or do you want to replace the current elections board with new members immediately?

If you or your staff reply to these questions electronically, please send the email both to me and to Jeff Kuesel. If you prefer to speak with one of us directly, I will be available today (Thursday) at 261-4454 or you can call Jeff on Friday at 266-6778.

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
608-261-4454

2001

Date (time) needed

Jan. 3, 2002

LRB -

4492, 1

BILL

ROM+JTK :KMG:

King

DWOTE

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: *composition* *composition* *membership of the elections board.*

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

LPS: check auto. refs.

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

DWOTE ANALYSIS attached

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

SECTION #.



SENATE BILL 62

INSERT ANALYSIS

This bill also creates an income tax credit for individuals who make one or more contributions to a state or county committee or a political party or a candidate for state office who files an application for a grant from the Wisconsin election campaign fund in which the candidate agrees to be bound by disbursement and self-contribution limitations, if the application is accepted by the elections board. In order to be eligible for a credit, a contribution to a political party committee must be made to a committee of a party that qualifies for a separate ballot or column or row on the ballot, and a contribution to a candidate must be made to a candidate for office in the same jurisdiction or district in which the claimant resides. The maximum credit that may be claimed for any contribution is \$50 within any taxable year; the maximum credit that may be claimed for all contributions is \$100 within any taxable year. The credit is nonrefundable; no refund will be paid if the amount of the credit for which the claimant is otherwise eligible exceeds his or her tax liability.

ELECTIONS BOARD

Under current law, the governor appoints all members of the elections board as follows: one member is selected by the governor and one member each is designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10% of the vote (currently, the Republican and the Democratic parties).

Members serve for 2-year terms beginning on May 1 of each odd-numbered year.

~~This bill increases the potential number of political parties that may designate an individual to the governor for appointment to the board. Under the bill, any political party that qualified for a separate ballot at the preceding September primary may designate an individual to the governor for appointment to the board.~~

~~This bill also increases the authorized FTE positions for the board by 1.0 GPR campaign finance investigator position and 1.0 GPR auditor position.~~

NONSEVERABILITY

The bill does not affect these positions.

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill relating to reporting of mass media activities, reporting of disbursements by committees acting independently of candidates and by candidates who decline to accept public grants, and provision of supplemental grants to candidates who are opposed or whose opponents are supported by those disbursements is found by a court to be invalid, then all of those parts of the act are void.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to the bill.

eight

This bill, the elections board consists of 8 members, each of whom must be designated on a nonpartisan basis by at least 5 justices of the supreme court. The members are appointed by the governor. (NOT) with the concurrence of at least five justices

(end of insert)

SENATE BILL 62

subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

SECTION 131. 13.625 (3m) of the statutes is created to read:

13.625 (3m) No member of the legislature and no personal campaign committee of a member of the legislature may solicit a lobbyist or principal to arrange for another person to make a campaign contribution to that member or personal campaign committee.

SECTION 132. 13.625 (6) of the statutes is amended to read:

13.625 (6) Subsections (1) (b) and (c), (2) and (3) do not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual. Subsections (1) (b), (2) and (3) do not apply to the furnishing of anything of pecuniary value, except a campaign contribution, as defined in s. 11.01 (6), by a lobbyist to a relative of the lobbyist or an individual who resides in the same household as the lobbyist, nor to the receipt of any such thing by that relative or individual residing in the same household as the individual.

SECTION ~~132~~ 133. 15.61 of the statutes is amended to read:

on a nonpartisan basis

8 15.61 Elections board; creation. There is created an elections board consisting of persons who shall be appointed by the governor for 2-year terms as follows: ~~one member selected by the governor; one member each designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of~~

each of whom shall be designated by at least 5 justices of the supreme court, with the concurrence of at least 5 justices

SENATE BILL 62

~~each political party qualifying ^{that qualified} for a separate ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received at least 10% of the vote in the most recent gubernatorial ^{preceding September primary} election.~~

~~SECTION 134. 20.510 (1) (q) of the statutes is amended to read:~~

~~20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing appropriation, from the Wisconsin election campaign fund, the moneys determined under s. 11.50 to provide for payments to eligible candidates whose names are certified under s. 7.08 (2) (c) and (cm) and to provide for public information as authorized under s. 11.50 (2m).~~

~~SECTION 135. 20.855 (4) (ba) of the statutes is created to read:~~

~~20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5).~~

~~SECTION 136. 25.42 of the statutes is amended to read:~~

~~**25.42 Wisconsin election campaign fund.** All moneys appropriated under s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), (1m) and (6), 11.23 (2) and 11.38 (6), all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.~~

~~SECTION 137. 71.05 (6) (a) 21. of the statutes is created to read:~~

SENATE BILL 62

broadcast, any communication may commence a proceeding under this section to determine the application to that person of a registration requirement under s. 11.05 (1), (2) or (2g).

SECTION 149. Nonstatutory provisions.

(1) ELECTIONS BOARD APPOINTMENTS. Notwithstanding sections 15.07 (1) (c) and 15.61 of the statutes, each political party that qualified for a separate ballot under section 5.62 (1) (b) or (2) of the statutes at the September primary election preceding the effective date of this subsection, but that did not designate an individual to the governor for appointment to the elections board under section 15.61 of the statutes may designate an individual to the governor for appointment to the elections board to serve for a term expiring on May 1 of the odd-numbered year following the appointment.

(2) NONSEVERABILITY. Notwithstanding section 990.01 (11) of the statutes, if a court finds that all or any portion of section 11.01 (16) (a) 3., 11.12 (6) (c) or (8), or 11.50 (9) (b) or (ba) of the statutes, as created by this act, or section 11.06 (2) of the statutes, as affected by this act, is unconstitutional, then sections 11.01 (16) (a) 3., 11.12 (6) (c) and (8) and 11.50 (9) (b) and (ba) of the statutes, as created by this act, and the treatment of section 11.06 (2) of the statutes by this act are void in their entirety.

SECTION 150. Appropriation changes; elections board.

~~(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the elections board under section 20.510 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$76,100 for fiscal year 2001-02 and the dollar amount is increased by \$85,100 for fiscal year 2002-03 to increase the authorized PTE positions for the elections board by 1.0 GPR campaign finance~~

Rix component

POSITION INCREASES

Nonstatutory provisions

Amount increased

SENATE BILL 62

SECTION 150

~~investigator position and 1.0 CPR auditor position and to fund supporting expenses for these positions.~~

IWS
A →

SECTION 151. Initial applicability.

(1) Except as provided in subsections (1) and (2), this act first applies to elections held on the day after publication.

(2) The treatment of sections 11.50 (2m), 71.05 (6) (a) 21., 71.07 (5) (a) 9. and (6n), 71.10 (3) (a) and (4) (cn), 71.26 (1) (a), (2) (b) 1g., and (3) (e) 4., 71.34 (1) (ad), and 71.45 (2) (a) 16. of the statutes first applies to claims filed for taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 this act first applies to claims filed for taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(3) The treatment of section 11.31 (9) of the statutes first applies to adjustments for the biennium beginning on January 1, 2004.

(END)

Keep

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4492/linsA
RJM:.....

INSERT A ✓

#1
(2) TRANSITIONAL PROVISION. (a) *New appointees.* No later than the first day of the ~~second~~^{2nd} month beginning after the effective date of this paragraph, the justices of the supreme court shall designate 8 persons for membership on the elections board under section 15.61 of the statutes, as affected by this act. No later than the first day of the ~~third~~^{3rd} month beginning after the effective date of this paragraph, the governor shall appoint 8 persons to membership on the elections board under section 15.61 of the statutes, as affected by this act.

(b) *Terms of office; current members.* Notwithstanding section 15.61, 1999 stats., section 15.61 of the statutes, as affected by this act, and section 15.07 (1) (c) of the statutes, all members of the elections board holding office ~~on the date~~^{at the time} which all members of the elections board appointed as provided ~~under~~ⁱⁿ paragraph (a) are qualified to take office shall cease to hold office ~~at 11:59 p.m. on that date~~^{a.r.}. This paragraph does not apply to members of the elections board who take office as provided ~~under~~ⁱⁿ paragraph (c). ^{a.r.}

(c) *Terms of office; new appointees.* All members of the elections board appointed as provided ~~under~~ⁱⁿ paragraph (a) and qualified to take office shall take office immediately upon the expiration of the terms of office ~~under~~^{a.r.} paragraph (b). Notwithstanding section 15.61 of the statutes, as affected by this act, and section 15.07 (1) (c) of the statutes, the terms of office of members of the elections board who take office as provided ~~under~~ⁱⁿ this paragraph shall expire on May 1, 2003. ^{a.r.}

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4492/1dn

RJM&JTK

Kmg

Representative Travis:

that

three month

Attached is the draft you requested relating to the composition of the elections board. Please note that the draft provides approximately a ~~three month~~ period during which the current members of the elections board cease to hold office and new members of the elections board are appointed and qualified (approximately two months for the supreme court to designate new members and approximately one month for the governor to appoint new members based on these designations). Please let us know if you intend to provide either more or less time for new members to be appointed and qualified.

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Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4492/1dn
RJM&JTK:kmg:ch

January 3, 2002

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