

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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JTK&RJM:kmg:kjf

February 20, 2002

Representative Travis:

This substitute amendment is based on engrossed SB-104. Because the senate has not passed SB-104, it is possible that SB-104 may be further amended. If that happens, you may want to have this substitute amendment redrafted to incorporate the new amendments. In addition, please note that engrossed SB-104 marries two different reporting and matching systems, one from the original SB-104, sponsored by Senator Ellis, and one from the committee substitute, SSA 1. In preparing this substitute amendment, we addressed one technical issue and noted one substantive issue with respect to the combined system.

One feature of the system from the original SB-104, as contained in proposed s. 11.50 (9) (b) of SA 3, matches contributions intended to be received or received by independent committees other than conduits for use against a candidate. SSA 1 contained a separate proposed s. 11.50 (9) (b) which matched conventional independent disbursements by committees. SA 6 redefined the definition of political purpose so that proposed s. 11.50 (9) (b) was no longer needed because the match that it contained was provided elsewhere. SA 6, therefore, deleted the cross-references to proposed s. 11.50 (9) (b), which are needed to fully carry out the effect of SA 3. We restored these cross-references in preparing this substitute amendment.

The substantive effect of matching contributions to independent committees as well as disbursements by those committees could result in a double match of some of the same money. This would not necessarily occur because some contribution money might not be spent, some disbursements might be made too late in a campaign to effectively match, and a treasury might have earnings that do not result from contributions. Nevertheless, you may want to consider adopting the entire reporting structure from the original SB-104 (which matched contributions but not disbursements), deleting the match for contributions in proposed s. 11.50 (9) (b), or matching only that amount of disbursements that exceeds the amount of matched contributions relating to the same committee.

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