

2003 DRAFTING REQUEST

Bill

Received: 03/14/2003

Received By: jkuesel

Wanted: Today

Identical to LRB:

For: Tim Carpenter (608) 266-8535

By/Representing: him

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Elections - campaign finance

Extra Copies:

Submit via email: YES

Requester's email: Sen.Carpenter@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Financial institution statements required

Instructions:

Require each candidate for state or local office to file a copy of his or her most recent financial statement for the campaign depository (as of 1/1 or 7/1) with his or her continuing report.

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>
/?	jkuesel 03/14/2003	csicilia 03/14/2003		_____			
/1			chaugen 03/14/2003 rschluet	_____	_____	mbarman 03/18/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			03/14/2003 _____		03/14/2003		

FE Sent For:

<END>

↳ Not Needed

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			rschluet	_____	_____	mbarman	

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		03	1/14	1/14			
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FE Sent For:

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2003

Date (time) needed

Fr: 3/14

LRB - 2311, 1

BILL

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J12 : 1 : \_\_\_\_\_

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: *filing of financial statements by candidates and personal campaign committees.*

[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**

*attached*

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

SECTION #.



**2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2311/lins  
JTK.....

✓

**SECTION 1.** 11.20 (4) of the statutes is amended to read:

11.20 (4) Continuing reports under s. 11.06 (1) by committees or individuals supporting or opposing candidates for office, including committees of a political party, and by individuals, groups or corporations supporting or opposing a referendum shall be received by the appropriate filing officer no earlier than January 1 and no later than January 31; and no earlier than July 1 and no later than July 20. Individuals, committees, groups and corporations to which s. 11.055 (1) applies shall pay the fee imposed under that subsection with their continuing reports filed in January of each year. Each candidate or personal campaign committee of a candidate for state or local office shall attach to the candidate's or committee's continuing report a copy of the most recent financial statement as of the closing date for the report under sub. (8) (b) or (c) provided by the financial institution where the campaign depository of the candidate or committee is located.

History: 1973 c. 334; 1975 c. 93, 199; 1979 c. 328 ss. 58, 82 to 92, 146; 1981 c. 314 s. 146; 1983 a. 183, 491, 538; 1985 a. 303 ss. 32m to 37, 88; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2; 1997 a. 27; 2001 a. 103, 109.

**SECTION 2.** 11.21 (16) of the statutes is amended to read:

11.21 (16) Require each registrant for whom the board serves as filing officer and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period to file each campaign finance report that is required to be filed under this chapter in an electronic format, and accept from any other registrant for whom the board serves as a filing officer any campaign finance report that is required to be filed under this chapter in an electronic format. The board shall prescribe the manner in which copies of statements under s. 11.20 (4) shall be filed. A registrant who or which becomes subject to a requirement to file reports in an electronic format under this subsection shall initially file the registrant's report in

an electronic format for the period which includes the date on which the registrant becomes subject to the requirement. To facilitate implementation of this subsection, the board shall specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement under this subsection. The board shall provide copies of the software to registrants at a price fixed by the board that may not exceed cost. Each registrant who or which files a report under this subsection in an electronic format shall also file a copy of the report with the board that is recorded on a medium specified by the board. The copy shall be signed by an authorized individual and filed with the board by each registrant no later than the time prescribed for filing of the report under this chapter. The board shall provide complete instructions to any registrant who or which files a report under this subsection. In this subsection, the "campaign period" of a candidate, personal campaign committee or support committee begins and ends with the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26 (17), and the "campaign period" of any other registrant begins on January 1 of each odd-numbered year and ends on December 31 of the following year.

NOTE: NOTE: Sub. (16) is amended eff. 7-1-03 by 2001 Wis. Act 109 to read as shown below. However, the treatment by 2002 Wis. Act 109 was held to be unconstitutional and void by the United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, Case # 02-C-424-C.NOTE

**SECTION 3.** 11.21 (16) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

**11.21 (16)** Require each registrant for whom the board serves as filing officer and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period to file each campaign finance report that is required to be filed under this chapter in an electronic format, and accept from any other registrant for whom the board serves as a filing officer any campaign finance report that is required to be filed under this chapter in an electronic format. The board shall



20

prescribe the manner in which copies of statements under s. 11.29 (4) shall be filed. A registrant who or which becomes subject to a requirement to file reports in an electronic format under this subsection shall initially file the registrant's report in an electronic format for the period which includes the date on which the registrant becomes subject to the requirement or, if the registrant is required to report transactions within 24 hours of their occurrence, within 24 hours after the date on which the registrant becomes subject to the requirement. To facilitate implementation of this subsection, the board shall specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement under this subsection. The board shall provide copies of the software to registrants at a price fixed by the board that may not exceed cost. Each registrant who or which files a report under this subsection in an electronic format shall also file a copy of the report with the board that is recorded on a medium specified by the board. The copy shall be signed by an authorized individual and filed with the board by each registrant no later than the time prescribed for filing of the report under this chapter. If a registrant is a committee, the copy shall be certified by an authorized individual and filed with the board by the registrant no later than 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1). If a registrant or other person becomes subject to a requirement to report electronically under this subsection, the registrant or other person shall continue to report electronically regardless of the amount of contributions accepted or expenditures made by the registrant or other person, until a termination report is filed. The board shall provide complete instructions to any registrant who or which files a report under this subsection. In this subsection, the "campaign period" of a candidate, personal campaign committee or support committee begins and ends with the "campaign" of the candidate whose

candidacy is supported, as defined in s. 11.26 (17), and the "campaign period" of any other registrant begins on January 1 of each odd-numbered year and ends on December 31 of the following year. Section 990.001 (4) does not apply to the computation of time permitted for compliance with the filing requirements under this subsection.

**History:** 1973 c. 334; 1975 c. 93 ss. 73 to 78, 119 (2); 1977 c. 107; 1979 c. 260, 328; 1981 c. 390 s. 252; 1983 a. 27, 538; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1997 a. 230; 2001 a. 109.

*JWS  
A*

**SECTION 4. Initial applicability.**

*2-9 spaces  
only*

(1) This act first applies with respect to the first continuing report under section 11.20 (4) of the statutes that becomes due on or after the effective date of this subsection.

*JWS  
B*

**(END)**

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2311/1ins2  
JTK.....

< Analysis > ↓

six

Currently, with limited exceptions, candidates for state or local office or their personal campaign committees, if any, must register and file campaign finance reports with the appropriate filing officer or agency. In addition to other reports, candidates or personal campaign committees are required to file semiannual continuing reports each January and July covering the preceding 6-month period.

This bill requires each candidate or personal campaign committee filing a continuing report to attach a copy of the most recent statement as of the closing date for the continuing report provided by the financial institution where the campaign depository of the candidate or committee is located. Under the bill, the elections board prescribes the manner in which candidates or committees filing electronically shall file the statement.

Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months.

or both

six

ASSEMBLY BILL 119

1 11.12 (4) Each registrant shall report contributions, disbursements, and  
 2 incurred obligations in accordance with s. 11.20 and, if the registrant files reports  
 3 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.  
 4 11.06 (2) and (3m), each report shall contain the information which is required under  
 5 s. 11.06 (1).

6 SECTION 7. 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:

7 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section  
 8 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections  
 9 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the  
 10 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,  
 11 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),  
 12 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and  
 13 71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c),  
 14 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05  
 15 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),  
 16 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m)  
 17 (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3),  
 18 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b),  
 19 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),  
 20 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.),  
 21 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10),  
 22 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31  
 23 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a),  
 24 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2)  
 25 (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60

FWS  
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**ASSEMBLY BILL 119**

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1 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08  
 2 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05  
 3 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m),  
 4 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m),  
 5 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6)  
 6 (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24  
 7 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m),  
 8 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26  
 9 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.),  
 10 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j),  
 11 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g)  
 12 and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59  
 13 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04  
 14 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244  
 15 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment  
 16 of those provisions by this act is void.

**SECTION 8. Nonstatutory provisions.**

17  
 18 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
 19 the repeal and recreation of sections ~~11.06 (1) (intro.) and (3) (b) (intro.) and 11.12 (4)~~  
 20 of the statutes, as affected by this act, or any part of the laws specified in 2001  
 21 Wisconsin Act 109, section 9115 (2y) (b), as affected by this act, is unconstitutional,  
 22 the repeal and recreation of sections ~~11.06 (1) (intro.) and (3) (b) (intro.) and 11.12 (4)~~  
 23 of the statutes by this act is void.

end

**SECTION 9. Initial applicability.**

JWSB

1 (1) This act first applies with respect to reporting periods which begin on or  
2 after the effective date of this subsection.

3 SECTION 10. Effective dates. This act takes effect on the day after publication,  
4 except as follows:

5 (1) The repeal and recreation of section 11.06 (1) (intro.) and (3) (b) (intro.) and  
6 ~~11.12(4)~~ of the statutes takes effect on July 1, 2003, or on the day after publication,  
7 whichever is later. ✓

8 (END)

11.21(16)

**Barman, Mike**

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**From:** Ewy, Gordon  
**Sent:** Tuesday, March 18, 2003 9:14 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2311/1 Topic: Financial institution statements required

It has been requested by <Ewy, Gordon> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2311/1 Topic: Financial institution statements required