

2005 DRAFTING REQUEST

Bill

Received: **12/13/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Terri Griffiths**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance
Ethics
Lobbying
Legislature - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Campaign finance, lobbying, ethics, legislative voting time changes

Instructions:

Per attached E mail, 12/13/05. Rep. Freese may control draft, per Amy Kasper, p/c, 3/15/06.

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 01/11/2006	kfollett 01/13/2006		_____			State Crime
/1			chaugen 01/17/2006	_____	sbasford 01/17/2006		State Crime
/2	jkuesel	kfollett	rschluet	_____	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/04/2006	02/06/2006	02/06/2006 _____		02/06/2006		Crime
/3	jkuesel 02/06/2006	kfollett 02/07/2006	jfrantze 02/07/2006 _____		mbarman 02/07/2006		State Crime
/4	jkuesel 04/14/2006	lkunkel 04/17/2006	pgreensl 04/17/2006 _____		sbasford 04/17/2006	mbarman 05/01/2006	

FE Sent For:

↳ @ Intro

<END>

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/1			chaugen 01/17/2006	<u>4/17</u> _____	sbasford 01/17/2006		State Crime
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14
jkuesel
4/14/06
4/mk4/17

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **12/13/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Governor**

By/Representing: **Amy Kasper**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance
Ethics
Lobbying
Legislature - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **amy.kasper@gov.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Campaign finance, lobbying, ethics, legislative voting time changes

Instructions:

Per attached E mail, 12/13/05.

Drafting History:

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/3	jkuesel	kfollett	jfrantze	_____	mbarman		
	02/06/2006	02/07/2006	02/07/2006	_____	02/07/2006		

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Subject: **Elections - campaign finance**
 Ethics
 Lobbying
 Legislature - miscellaneous

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Requester's email: **amy.kasper@gov.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Campaign finance, lobbying, ethics, legislative voting time changes

Instructions:

Per attached E mail, 12/13/05.

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13 jkuesel 2/6/06 13 GF 2/7 2/17

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 12/13/2005

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Governor 1-6795

By/Representing: Amy Kasper

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Elections - campaign finance
Ethics
Lobbying
Legislature - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Campaign finance, lobbying, ethics, legislative voting time changes

Instructions:

Per attached E mail, 12/13/05.

Drafting History:

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/?	jkuesel 01/11/2006	kfollett 01/13/2006		_____			State Crime
/1	jkuesel 2/4/06	12/13/05 2/6	chaugen 01/17/2006	_____	sbasford 01/17/2006		

FE Sent For:

Handwritten signatures and initials, including "266" and "<END>".

2005 DRAFTING REQUEST

Bill

Received: **12/13/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Governor 1-6795**

By/Representing: **Amy Kasper**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance
Ethics
Lobbying
Legislature - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Campaign finance, lobbying, ethics, legislative voting time changes

Instructions:

Per attached E mail, 12/13/05.

P/C - 1/5/06 - delete registration and ban on federal transfers

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>
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1/1	jkuesel 1/11/06	1/13/06	1/13/06	1/13/06			
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FE Sent For:

<END>

Kuesel, Jeffery

From: Kasper, Amy - Office of Governor Jim Doyle
Sent: Monday, December 12, 2005 2:56 PM
To: Kuesel, Jeffery
Subject: As a follow up to our conversation....

- ✓ • 1 year ban on legislators from lobbying. Under current law, former state public officials are not allowed to communicate with the officials' former agency as a paid representative for 12 months after leaving public office. In addition, they are not allowed to communicate with any agency as a paid representative for 12 months on matters for which formerly responsible, nor represent any person other than the state in connection with any proceeding, application, contract, claim, or charge in which the individual was personally and substantially involved as a state public official. It should be noted that this ban only applies to the entity in which the former state public official worked (e.g., under current law, former DOA Secretary Marc Marotta cannot lobby the DOA, but can lobby any other cabinet agency and the Governor's office).

This ban currently does not apply to legislators and legislative staffers. Under the Governor's proposal, this ban would apply to legislators and legislative staffers (i.e., former legislators and their staff would be barred from lobbying anyone in the legislature for 12 months after leaving public office).

- ✓ • Expand the 1-year ban from lobbying to also prevent a former Governor and all gubernatorial political appointees that work at agencies from being able to lobby **any** cabinet agency, as well as a ban on lobbying anyone in the Governor's office. Under this proposal, the Governor and *any* political appointee of the Governor (e.g., Cabinet Secretaries, Commissioners, Deputy Secretaries, Executive Assistants, and Division Administrators) would be banned from lobbying cabinet agencies and the Governor's office for 12 months after leaving such state service.

- ✗ • Ban on legislative votes (committee or on the floor) from occurring between 10 p.m. and 8 a.m. This ban would ensure that the work of the legislature is as open and accessible as possible, as opposed to votes occurring in the middle of the night.

- ✓ • Ban on campaign contributions *or* state tax dollars from being used to pay for legal defense fees. This proposal would prevent campaign funds or state tax dollars from being used to pay for the legal defense fees or costs of any official criminally charged with breaking the law.

- ✗ • Removing disincentives to the public from having access to public officials' statements of economic interest. Under current law, Wis. Stats. §§ 19.48(8) and 19.55(1) require the person seeking access to disclose their identity to the official seeking the access. This proposal would remove this requirement.

- ✗ • Ban on federal campaign account transfers to state accounts. On January 26, 2005, the Elections Board adopted an emergency rule that prohibited funds converted by a federal campaign committee to a Wisconsin state campaign committee from being used for political purposes in Wisconsin, if the contribution of those funds to the federal campaign committee would not have complied with Wisconsin law if made directly to a Wisconsin campaign committee. The JCRAR did not have the requisite number of votes to object to this new rule; thus, the proposed rule recently went into effect. Therefore, going forward, federal campaign committee funds cannot be converted to a WI campaign committee, if the contribution of those funds in the first place would not have complied with WI law if made directly to a WI campaign committee. Nevertheless, this proposal would have such a prohibition become statutory law, as opposed to just an administrative rule.

- ✓ • Ban on fundraising during the budget. Under the Governor's proposal there would be a ban on fundraising during the state budget process on incumbent partisan state officials and challengers to partisan state offices. Possibly, the ban would go into effect from the date of introduction of the budget and end on June 30, 2005

[the definite ending date is intended to ensure that the budget isn't needlessly drawn out just to have a chilling effect on someone's campaign efforts].

If you have any questions regarding the above, please give me a call.

Amy Kasper
Chief Legal Counsel
Office of the Governor
(608) 261-6795 (direct)
(608) 266-7912 (fax)
amy.kasper@gov.state.wi.us

X + 11.6¢ no transfers from campaign funds
— any court-ordered restitution is not a pol purpose

Kuesel, Jeffery

From: Kasper, Amy - Office of Governor Jim Doyle
Sent: Wednesday, January 04, 2006 3:44 PM
To: Kuesel, Jeffery

- Continued support for SB 1 – Merger of Elections and Ethics Board Bill (passed Senate 11/01/05 with various amendments).
- ✓ • 1 year ban on legislators and their staff from lobbying. Under current law, former state public officials are not allowed to communicate with the officials' former agency as a paid representative for 12 months after leaving public office.
This ban currently does not apply to legislators and legislative staffers. Under the Governor's proposal, this ban would apply to legislators and legislative staffers (i.e., former legislators and their staff would be barred from lobbying anyone in the legislature for 12 months after leaving public office).
- ✓ • Expand the 1-year ban from lobbying to also prevent a former Governor and all gubernatorial political appointees that work at agencies from being able to lobby **any** cabinet agency, as well as a ban on lobbying anyone in the Governor's office. Under this proposal, a Governor and any political appointee of a Governor (i.e., Cabinet Secretaries, Commissioners, Deputy Secretaries, Executive Assistants, and Division Administrators) would be banned from lobbying cabinet agencies and the Governor's office for 12 months after leaving such state service.
- ~~Ban on legislative votes (committee or on the floor) from occurring between 10 p.m. and 8 a.m. This ban would ensure that the work of the legislature is as open and accessible as possible, as opposed to votes occurring in the middle of the night.~~
- ✓ • Ban on campaign contributions *or* state tax dollars from being used to pay for legal defense fees. This proposal would prevent campaign funds or state tax dollars from being used to pay for legal defense fees or costs of any official *criminally charged* with breaking ch. 11 (i.e., the campaign finance chapter) or ch. 19, subchapter III (i.e., the Ethics Code, including the pay to play statute).
- ✗ • Ban on campaign contributions being allowed to pay for a candidates criminal fine or court-ordered restitution for a campaign finance violation. This proposal would prevent campaign funds from being use to pay for a criminal fine or court-ordered restitution for a violation of ch. 11 (i.e., the campaign finance chapter). Candidates would still be allowed to use contributions to pay for civil penalties under ch. 11.
- ~~Removing disincentives to the public from having access to public officials' statements of economic interest. Under current law, Wis. Stats. §§ 19.48(8) and 19.55(1) require the person seeking access to disclose their identity to the official seeking the access. This proposal would remove this requirement.~~
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administrative rule.

- ✓ • Ban on fundraising during the budget. Under the Governor's proposal there would be a ban on fundraising during the state budget process on incumbent partisan state officials and challengers to partisan state offices. The ban would go into effect from the date of introduction of the budget until enactment.
- ✓ • 100% Public Funding derived for Supreme Court races who agree to limit their spending. This reform passed the Senate in the 1999-2000 legislative session as SB 181. SB 181 provided for a public financing grant of \$100,000 in the primary and \$300,000 in the general election, subject to a biennial cost of living adjustment, for certain qualifying candidates. A candidate who accepted public financing could not accept more than \$25 in cash from any contributor and no such candidate could accept cash from all sources in a total amount greater than one-tenth of 1% of the public financing grant or \$500, whichever was greater. For candidates that did not accept public financing, the bill provided for a contribution limitation of \$1,000 to any candidate for the Supreme Court. The bill also provided for a supplemental grant if a candidate's opponent declined to accept public financing and made expenditures that exceeded a certain threshold.

Kuesel, Jeffery

From: Kasper, Amy - Office of Governor Jim Doyle
Sent: Thursday, January 05, 2006 10:32 AM
To: Kuesel, Jeffery
Subject: FW: Governor Doyle Unveils Bipartisan Ethics Reform Package

Attachments: 1 5 06 - Ethics Reform2.pdf

From: Lupardus, Anne - Office of Governor Jim Doyle
Sent: Thursday, January 05, 2006 10:27 AM
To: Lupardus, Anne - Office of Governor Jim Doyle
Subject: Governor Doyle Unveils Bipartisan Ethics Reform Package

Thursday, January 5, 2006
Contact: Anne Lupardus, Office of the Governor, 608-261-2162

Governor Doyle Unveils Bipartisan Ethics Reform Package

Joined by Senators Ellis and Erpenbach, Representatives Freese and Pocan

Governor Jim Doyle today joined with Senators Mike Ellis and Jon Erpenbach, and Representatives Stephen Freese and Mark Pocan in announcing the most comprehensive ethics reform package to be introduced in Wisconsin in more than three decades.

"Throughout my career in law enforcement and government, one of my strongest beliefs has been in the importance of strengthening the ethics system in government," Governor Doyle said. "This bipartisan reform we are offering today will continue the important work begun by my administration to ensure that citizens can have confidence in government. It will tighten restrictions on lobbying, advance the cause of public financing, and address fundraising during the budget process. This bipartisan package is an important next step and I urge leaders in both parties to work with me to pass it into law. Inspiring confidence in government is vital for our state, our citizens and our future – and we must not miss this opportunity."

"These are important reforms that will help to ensure public confidence in government, and I'm pleased that the Governor is supporting them," Senator Ellis said. "It's essential that any meaningful ethics reform be bipartisan and the Governor's support will go a long way toward that effort. I am hopeful that, with his backing, we can win strong support in the Legislature."

Highlights of the package include:

- Banning all fundraising during the budget process by state office incumbents and challengers alike, from the date of introduction of the budget until it is signed into law;
- Placing a one-year ban on lobbying their respective branches of government by legislators, legislative staffers, former Governors, and all gubernatorial political appointees once they leave office;
- Banning the use of campaign contributions or state tax dollars to pay for legal defense fees by someone who's been criminally charged with violating state ethics or campaign finance

laws;

- Offering 100 percent of public funding for Supreme Court candidates who agree to limit their campaign spending; and
- Renewing the call for SB 1, which would merge the Wisconsin Elections and Ethics Boards. This bill passed the Senate November 1, 2005 with various amendments and if passed by the full legislature, would provide greater enforcement power over our elections and ethics laws.

"I'm pleased to be joined in this effort by strong bipartisan reformers like Senators Ellis and Erpenbach and Representatives Freese and Pocan," Governor Doyle said. "I hope that their support will give this package the momentum it needs to make it through the legislature."

"Governor Doyle's Ethics Reform Package is built upon solid legislation that my colleagues and I have introduced and passed in some form in previous legislative sessions," Representative Freese said. "I am pleased with the Governor's support of these initiatives, and I look forward to working with him to pass them into law."

"We are working together on a bipartisan basis to make changes in Wisconsin, and I commend the Governor's leadership on this crucial issue," Senator Erpenbach said.

"State government is in need of serious reform," Representative Pocan said. "One of the best ways to do that is to ban fundraising during the state budget deliberations. As a first-term member of the Joint Finance Committee I saw first-hand the special interests that stalked the building during the budget. Banning the raising of campaign cash during the budget would go far to make state government cleaner and better."

In April, Governor Doyle also proposed a wide-ranging package of election reforms that included calls for early voting locations, prohibiting voter drives from paying individuals on a per voter or quota system, mandatory training for all election workers, additional safeguards to prevent ineligible felons from voting, and a merger of the State Ethics and Election boards. The merger of the Ethics and Election boards passed the State Senate in November, and Governor Doyle has called for the full legislature to get behind the proposal.

Read Governor Doyle's Bipartisan Ethics Reform Package:
<http://www.wisgov.state.wi.us/docview.asp?docid=5742&locid=19>

Read Governor Doyle's Election Reform Package from April:
www.wisgov.state.wi.us/journal_media_detail.asp?prid=1022&locid=19

- 30 -



1 5 06 - Ethics
Reform2.pdf (5...

2005

Date (time) needed

(DNOTE)

LRB - 4240 / 1

BILL

Mon 1/16
Tues AM

JTR : kjf:

UPS:
PWF
please

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:

public financing of campaigns for the office of justice of the Supreme Court, fundraising during state budget consideration, representation by former state officials, transfer of campaign moneys to defense funds, service by former legislators or legislative employees as lobbyists, payment of legal defense costs, making appropriations, and providing penalties

[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

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

SECTION #.

1st paragraph

ANALYSIS

This bill makes various changes in state laws relating to public financing of campaigns for the office of justice of the supreme court, fundraising during state budget consideration, representation by former state officials, transfer of campaign moneys to defense funds, and service by former legislators or legislative employees as lobbyists. Payment of legal defense costs, making appropriations, and providing penalties.

move



analysis
1

1999 SENATE BILL 181

June 1, 1999 - Introduced by Senators GEORGE, ERPENBACH, RISSER, ROSENZWEIG, DARLING, RUDE, MOEN and ROBSON, cosponsored by Representatives BOCK, RICHARDS, POCAN, TURNER, MILLER, PLOUFF, J. LEHMAN, BERCEAU, COLON, COGGS and YOUNG. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 AN ACT *to amend* 8.35 (4) (b), 11.12 (2), 11.16 (2) and (3), 11.26 (1) (a), 11.26 (2)
 2 (a), 11.26 (9) (a), 11.26 (9) (b), 11.26 (13), 11.31 (1) (d), 11.33 (1) (a) (intro.), 11.50
 3 (1) (a) 1. and 11.50 (3) (b); and *to create* 11.26 (1) (am), 11.26 (2) (am), 11.26 (9)
 4 (ba), 11.33 (4), 11.501 to 11.522, 20.510 (1) (r), 20.585 (1) (q), 20.585 (1) (r),
 5 20.855 (4) (bb), 25.17 (1) (cm) and 25.421 of the statutes; **relating to:** campaign
 6 financing with respect to the office of justice of the supreme court, making
 7 appropriations and providing penalties.

~~office of~~

subsub

Public financing of campaigns for justice of the supreme court
Analysis by the Legislative Reference Bureau

X

This bill makes numerous changes in the campaign finance law affecting campaigns for the office of justice of the supreme court. The bill limits the application of the Wisconsin election campaign fund, under which eligible candidates for state offices (except district attorney, court of appeals judge, and circuit judge) may receive public grants from state general purpose revenues derived from designations made by individuals filing state income tax returns, to state offices other than the office of justice of the supreme court. To finance elections for the office of justice of the supreme court, the bill creates a democracy trust fund, under which eligible candidates for this office may receive public grants derived from general purpose revenues.

Under the bill, a candidate for the office of justice of the supreme court may qualify for public financing from the democracy trust fund to finance a campaign in

in an aggregate amount of at least \$5,000 but not more than \$15,000
LRB-3024/1
JTK:wlj:km

SENATE BILL 181

but not more than one hundred dollars e \$100

\$50

at least

also

within the limitations permitted

Spring

a primary or election by receiving a specified number of qualifying contributions of five dollars each made by electors of the state. A candidate who accepts public financing may accept "seed money" contributions in amounts of \$100 or less, subject to aggregate limitations, and may contribute personal funds in specified amounts during specified periods. A candidate who accepts public financing may not accept any contributions other than qualifying and seed money contributions and contributions from personal funds, subject to specified limitations. Public financing benefits for eligible candidates are \$100,000 in the primary election and \$300,000 in the general election. The benefits are subject to a biennial cost of living adjustment. A candidate who accepts more than a specified amount of qualifying or seed money contributions has the excess deducted from his or her public financing benefit. In addition, if a candidate's opponent declines to accept public financing and makes expenditures in a total amount that exceeds by more than five percent the amount permitted for a candidate who accepts public financing, the candidate who accepts public financing receives additional funding equivalent to the excess expenditures made by his or her opponent, but not more than three times the amount of the public financing benefit for the office that the candidate seeks. A candidate also receives additional public financing equivalent to any independent expenditures made against the candidate or in support of his or her opponents if those expenditures exceed 20% of the amount of the public financing benefit for the office that the candidate seeks (but not more than three times the amount of that benefit) as well as additional financing equivalent to the cost of certain mass mailings made by an incumbent opponent using state funds.

5

percent

Currently, a candidate for the office of justice of the supreme court may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign only (no funding is provided for primary campaigns). In order to qualify for a grant, a candidate must qualify to have his or her name appear on the spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. The maximum amount of a grant that a candidate may receive is \$97,031. This amount is not subject to any cost of living adjustment. In addition, this amount is reduced by the total amount of contributions received by a candidate from special interest committees and this amount may not be fully funded in a particular year if there are not sufficient moneys in the Wisconsin election campaign fund to provide full financing for all qualifying candidates. A candidate must agree to abide by spending and self-contribution limits in order to receive a grant, but this agreement does not apply if the candidate has an opponent who could have qualified for a grant but declines to do so and declines to file an affidavit of voluntary compliance with spending and self-contribution limits.

Currently, individuals and committees making political contributions to candidates for the office of justice of the supreme court are subject to limitations on the amount or value of any contribution or contributions that may be made cumulatively to any candidate in a campaign. The limitations are \$10,000 in the case of an individual making a contribution to a candidate and \$8,625 in the case of a committee making a contribution to a candidate. This bill replaces these limitations with a contribution limitation of \$1,000 applicable to an individual or committee

In order to qualify for a public financing benefit for the primary, a candidate must have an opponent who qualifies to have his or her name appear on the ballot at the primary and in order to qualify for a public financing benefit for the spring election, a candidate must have an opponent who qualifies to have his or her name appear on the ballot at the election.

SENATE BILL 181

making any contribution or contributions cumulatively to any candidate for the office of justice of the supreme court who is eligible to qualify for a public financing benefit but who declines to accept one, per campaign.

For further information see the ~~state~~ fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 8.35 (4) (b) of the statutes is amended to read:

2 8.35 **(4)** (b) Notwithstanding par. (a), any unspent and unencumbered moneys
3 received by a candidate from the Wisconsin election campaign fund shall be
4 immediately transferred to any candidate who is appointed to replace such
5 candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is
6 no candidate appointed or if no proper application is filed within 7 days of the date
7 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
8 11.50 (8). Notwithstanding par. (a), any unspent and unencumbered moneys
9 received by a candidate from the democracy trust fund shall be immediately
10 transferred to any candidate who is appointed to replace such candidate. If there is
11 no candidate appointed, the moneys shall revert to the state.

12 **SECTION 2.** 11.12 (2) of the statutes is amended to read:

13 11.12 **(2)** Any No registrant, except a candidate who receives a public financing
14 benefit from the democracy trust fund, may accept an anonymous contribution
15 exceeding \$10 received by a campaign or committee treasurer or by an individual
16 under s. 11.06 (7) may not be used or expended. The, No candidate who receives a
17 public financing benefit from the democracy trust fund may accept an anonymous
18 contribution exceeding \$5. Any anonymous contribution that may not be accepted

2005 BILL

analysis
2

1 AN ACT *to repeal and recreate* 11.24 (4) of the statutes; **relating to:**
 2 contributions to incumbent partisan elective state officials during budget
 3 consideration.

subsub
Fundraising during state
budget consideration

any person from making a
Analysis by the Legislative Reference Bureau

or a candidate for a partisan state office

This bill prohibits contributions to incumbent partisan state officials for the purpose of promoting their nomination or reelection to their offices, during the period from the date of introduction of the executive budget bill through the date of enactment of the biennial budget act. The prohibition does not apply to contributions made to an incumbent who is subject to a recall election beginning on the date on which a petitioner registers an intent to circulate a petition for a recall election against the incumbent and ending on the date of the recall election, except that if the circulation period expires without offering of the recall petition for filing, the filing officer determines not to file the petition, or the incumbent resigns, the period ends on the date of that event. Currently, there is no such prohibition.

Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

CPSA move to end of analysis

prohibition does not apply to an individual who is a candidate for a partisan state office at a special election during the period beginning on the date that the special election is ordered and ending on the date of the special election. In addition, the

analysis
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2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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Representation by former state officials

Currently, with certain exceptions, no former state public official, for 12 months following the date on which he or she ceases to be a state public official, may, for compensation, on behalf of anyone other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the department or agency with which he or she was associated as a state public official during the 12 months preceding the official's departure from state service. Additional restrictions apply with respect to matters in which a former state public official was involved while serving as a state public official.

This bill provides, in addition, that no former governor or state public official who was appointed to his or her position by the governor, for 12 months following the date on which he or she ceases to occupy the office of governor or the position to which he or she was appointed by the governor may, for compensation, on behalf of anyone other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee in the executive branch of state government.

de

Transfer of campaign moneys to defense funds

X ✓ Currently, any person who is being investigated for, charged with, or convicted of a crime has the constitutional right to establish a defense fund and to solicit contributions to the fund. Current state law also provides specifically that a candidate or public official who is being investigated for, charged with, or convicted of a criminal violation of the campaign finance law or a prohibited election practice, or whose agent is so investigated, charged, or convicted, may establish a defense fund to finance expenditures incurred in supporting or defending the person or agent or any dependent of the person or agent. No reporting is required, but the person who establishes the fund may not transfer moneys from a campaign account to a defense fund unless the permission of the contributor of the moneys is obtained.

X This bill provides that no moneys may be transferred from a campaign account to a defense fund even if the permission of the contributor is obtained. Under the bill, it is still possible for the recipient of a contribution to return the contribution to the contributor. Once returned, the contributor may use the contribution for any lawful purpose.

2005 ASSEMBLY BILL 524

June 28, 2005 - Introduced by Representatives FREESE, BLACK, LOTHIAN, ZIEGELBAUER, STRACHOTA, PARISI, KRAWCZYK, CULLEN, PRIDEMORE, ZEPNICK and LEHMAN, cosponsored by Senator LASSA. Referred to Committee on State Affairs.

analysis
5

1 AN ACT to create 19.45 (8m) of the statutes; relating to: service by a former
2 member of the legislature as a lobbyist.

subsub

Analysis by the Legislative Reference Bureau

This bill prohibits any individual who serves as a member of the legislature, for 12 months following the date on which the individual ceases to hold office from being employed as a lobbyist. A "lobbyist" means an individual who is compensated by a principal and whose duties include attempting to influence state legislative action or state administrative rule-making action on behalf of the principal, except that an individual whose duties on behalf of a principal are not limited exclusively to lobbying is a "lobbyist" only if the individual makes lobbying communications on each of at least five days during a six-month reporting period.

or employee
his
or
her
office
or
position

Violators are subject to a forfeiture (civil penalty) of not more than \$5,000 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment for not more than one year or both for each violation.

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

3 SECTION 1. 19.45 (8m) of the statutes is created to read:

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 181**

March 7, 2000 - Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT** *to repeal* 11.50 (3) (a) 2.; *to amend* 8.35 (4) (b), 11.12 (2), 11.16 (2) and
2 (3), 11.26 (1) (a), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b), 11.26 (13), 11.31 (1) (d),
3 11.33 (1) (a) (intro.), 11.50 (1) (a) 1. and 11.50 (3) (b); and *to create* 11.26 (1)
4 (am), 11.26 (2) (am), 11.26 (9) (ba), 11.33 (4), 11.501 to 11.522, 20.510 (1) (r),
5 20.585 (1) (q), 20.585 (1) (r), 20.855 (4) (bb), 25.17 (1) (cm) and 25.421 of the
6 statutes; **relating to:** campaign financing with respect to the office of justice
7 of the supreme court, making appropriations and providing penalties.

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

bill begins
here →

8 **SECTION 1.** 8.35 (4) (b) of the statutes is amended to read:

9 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
10 received by a candidate from the Wisconsin election campaign fund shall be
11 immediately transferred to any candidate who is appointed to replace such
12 candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is

1 no candidate appointed or if no proper application is filed within 7 days of the date
 2 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
 3 11.50 (8). Notwithstanding par. (a), any unspent and unencumbered moneys
 4 received by a candidate from the democracy trust fund shall be immediately
 5 transferred to any candidate who is appointed to replace ^{that} such candidate. If there is
 6 no candidate appointed, the moneys shall revert to the state. upon filing of a
or if no proper application is filed within 7 days of the date on which a vacancy occurs

7 - SECTION 2. 11.12 (2) of the statutes is amended to read:

8 11.12 (2) Any No registrant, except a candidate who receives a public financing
 9 benefit from the democracy trust fund, may accept an anonymous contribution
 10 exceeding \$10 received by a campaign or committee treasurer or by an individual
 11 under s. 11.06 (7) may not be used or expended. The, No candidate who receives a
 12 public financing benefit from the democracy trust fund may accept an anonymous
 13 contribution exceeding \$5. Any anonymous contribution that may not be accepted
 14 under this subsection shall be donated to the common school fund or to ^aany charitable
 15 organization at the option of the registrant's treasurer.
For purposes of qualification, contributions received and disbursements made by the former candidate are considered to have been received or made by the replacement candidates

16 - SECTION 3. 11.16 (2) and (3) of the statutes are amended to read:

17 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every Except as provided in s.
 18 11.506 (6), every contribution of money exceeding \$50 shall be made by negotiable
 19 instrument or evidenced by an itemized credit card receipt bearing on the face the
 20 name of the remitter. No treasurer may accept a contribution made in violation of
 21 this subsection. The treasurer shall promptly return the contribution, or donate it
 22 to the common school fund or to a charitable organization in the event that the donor
 23 cannot be identified.

24 SECTION # AM 11.16 (3)
 11.16 (3) FORM OF DISBURSEMENTS. Every Except as authorized under s. 11.511 (1),
 25 every disbursement which is made by a registered individual or treasurer from the

JWS
2-6

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1 campaign depository account shall be made by negotiable instrument. Such
 2 instrument shall bear on the face the full name of the candidate, committee,
 3 individual or group as it appears on the registration statement filed under s. 11.05
 4 and where necessary, such additional words as are sufficient to clearly indicate the
 5 political nature of the registrant or account of the registrant. The name of a political
 6 party shall include the word "party". The instrument of each committee registered
 7 with the board and designated under s. 11.05 (3) (c) as a special interest committee
 8 shall bear the identification number assigned under s. 11.21 (12) on the face of the
 9 instrument.

*Ans
3-9*

10 **SECTION 4.** 11.26 (1) (a) of the statutes is amended to read: ✓

11 11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state,
 12 state treasurer, attorney general, ^{no strike} ~~or~~ state superintendent ~~or~~ justice, \$10,000.

13 **SECTION 5.** 11.26 (1) (am) of the statutes is created to read:

14 11.26 (1) (am) Candidates for justice, \$1,000.

15 **SECTION 6.** 11.26 (2) (a) of the statutes is amended to read:

16 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
 17 state treasurer, attorney general, ^{no strike} ~~or~~ state superintendent ~~or~~ justice, 4% of the value
 18 of the disbursement level specified in the schedule under s. 11.31 (1).

19 **SECTION 7.** 11.26 (2) ^(an) ~~(am)~~ of the statutes is created to read: ✓

20 11.26 (2) ^(an) ~~(am)~~ Candidates for justice, \$1,000.

21 **SECTION 8.** 11.26 (9) (a) of the statutes is amended to read: ✓

22 11.26 (9) (a) ~~No~~ [✓] Except as provided in par. (ba), no individual who is a candidate
 23 for state or local office may receive and accept more than 65% of the value of the total
 24 disbursement level determined under s. 11.31 for the office for which he or she is a
 25 candidate during any primary and election campaign combined from all committees

*Ans
3-18*

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1 subject to a filing requirement, including political party and legislative campaign
2 committees.

3 **SECTION 9.** 11.26 (9) (b) of the statutes is amended to read:

4 11.26 (9) (b) ~~No~~ Except as provided in par. (ba). [✓] no individual who is a candidate
5 for state or local office may receive and accept more than 45% of the value of the total
6 disbursement level determined under s. 11.31 for the office for which he or she is a
7 candidate during any primary and election campaign combined from all committees
8 other than political party and legislative campaign committees subject to a filing
9 requirement.

10 **SECTION 10.** 11.26 (9) (ba) of the statutes is created to read:

11 11.26 (9) (ba) Paragraphs (a) [✓] and (b) [✓] do not apply to a candidate who receives
12 a public financing benefit from the democracy trust fund.

13 **SECTION 11.** 11.26 (13) of the statutes is amended to read:

14 11.26 (13) [✓] Except as provided in sub. (9), contributions received from the
15 Wisconsin election campaign fund and public financing benefits received from the
16 democracy trust fund are not subject to limitation by this section.

17 **SECTION 12.** 11.31 (1) (d) [✓] of the statutes is amended to read:

18 11.31 (1) (d) Candidates for secretary of state, state treasurer, ^{no strike} justice or state
19 superintendent, \$215,625.

20 **SECTION 13.** 11.33 (1) (a) (intro.) of the statutes is amended to read:

21 11.33 (1) (a) (intro.) ~~No~~ Except as provided in sub. (4). no person elected to state
22 or local office who becomes a candidate for national, state or local office may use
23 public funds for the cost of materials or distribution for 50 or more pieces of
24 substantially identical material distributed after:

25 **SECTION 14.** 11.33 (4) of the statutes is created to read:

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1 ~~11.33 (4) This section does not apply to a candidate for the office of justice.~~

2 **SECTION 15.** 11.50 (1) (a) 1. of the statutes is amended to read:

3 11.50 (1) (a) 1. With respect to a spring or general election, any individual who
4 is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state
5 superintendent, or an individual who receives at least 6% of the vote cast for all
6 candidates on all ballots for any state office, except district attorney, for which the
7 individual is a candidate at the September primary and who is certified under s. 7.08
8 (2) (a) as a candidate for that office in the general election, or an individual who has
9 been lawfully appointed and certified to replace either such individual on the ballot
10 at the spring or general election; and who has qualified for a grant under sub. (2).

11 **SECTION 16.** 11.50 (3) (a) 2. of the statutes is repealed.

12 **SECTION 17.** 11.50 (3) (b) of the statutes is amended to read:

13 11.50 (3) (b) If a vacancy occurs in the office of state superintendent or justice
14 after August 15 in any year and an election is scheduled to fill the vacancy at the
15 spring election in the following year, the state treasurer shall transfer an amount not
16 exceeding 8% of the moneys transferred to the fund on the preceding August 15 to
17 the superintendency account for the office in which the vacancy occurs, such moneys
18 to be drawn from any account within the accounts created under sub. (4) in the
19 amount or amounts specified by the board.

20 **SECTION 18.** 11.501 to 11.522 of the statutes are created to read:

21 **11.501 Definitions.** In ss. 11.501 to 11.522:

22 (1) "Allowable contribution" means a qualifying contribution, seed money
23 contribution, or personal contribution authorized under ss. 11.502 to 11.522.

24 (2) "Campaign" has the meaning given in s. 11.26 (17).

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1 (3) “Election campaign period” means the period beginning on the day after the
2 spring primary election or the day on which a primary election would be held, if
3 required, and ending on the day of the succeeding spring election.

4 (4) “Eligible candidate” means a candidate for the office of justice who has an
5 opponent who has qualified to have his or her name certified for placement on the
6 ballot at the spring primary or election and who qualifies for public financing by
7 collecting the required number of qualifying contributions, making all required
8 reports and disclosures, and being certified by the board as being in compliance with
9 ss. 11.502 to 11.522.

10 (5) “Excess disbursement amount” means the amount of disbursements made
11 by a ~~noncomplying~~ ^{nonparticipating} candidate in excess of the public financing benefit available to an
12 eligible candidate for the same office that the ~~noncomplying~~ ^{nonparticipating} candidate seeks.

13 (6) “Excess qualifying contribution amount” means the amount of qualifying
14 contributions accepted by a candidate beyond the number or dollar amount of
15 contributions required to qualify a candidate for a public financing benefit.

16 (7) “Exploratory period” means the period that begins after the date of a spring
17 election and ends on the first day of the public financing qualifying period for the next
18 election for justice.

19 (9) “Immediate family”, when used with reference to a candidate, includes the
20 candidate’s spouse and children.

21 (10) “Independent disbursement” means a disbursement by a person expressly
22 advocating the election or defeat of a clearly identified candidate which is made
23 without cooperation or consultation with a candidate, or any authorized committee
24 or agent of a candidate, and which is not made in concert with, or at the request or
25 suggestion of, any candidate, or any authorized committee or agent of a candidate.