

ASSEMBLY BILL 429 (LRB -2998)

An Act to repeal 11.50 (2m); to amend 20.510 (1) (q); and to repeal and recreate 71.10 (3) (b) of the statutes; relating to: deletion of changes to campaign finance and related laws made by 2001 Wisconsin Act 109 affecting public information concerning the Wisconsin election campaign fund.

2005

- 12-06. A. Introduced by committee on **CAMPAIGNS AND ELECTIONS**.
- 05-17. A. Read first time and referred to committee on Campaigns and Elections 244
- 05-26. A. Public hearing held.
- 06-09. A. Executive action taken.
- 06-09. A. Report passage recommended by committee on Campaigns and Elections, Ayes 6, Noes 0 269
- 06-09. A. Referred to committee on Rules 269
- 11-30. A. Placed on calendar 12-6-2005 by committee on Rules.
- 12-06. A. Read a second time 649
- 12-06. A. Ordered to a third reading 649
- 12-06. A. Rules suspended 649
- 12-06. A. Read a third time and **passed** 649
- 12-06. A. Ordered immediately messaged 649
- 12-06. S. Received from Assembly 477
- 12-06. S. Read first time and referred to committee on Campaign Finance Reform and Ethics 478

2006

- 03-01. S. Public hearing held.
- 03-01. S. Executive action taken.
- 03-04. S. Report concurrence recommended by committee on Campaign Finance Reform and Ethics, Ayes 5, Noes 0.
- 03-04. S. Available for scheduling.
- 03-08. S. Placed on calendar 3-9-2006 by committee on Senate Organization.
- 03-09. S. Read a second time.
- 03-09. S. Ordered to a third reading.
- 03-09. S. Rules suspended.
- 03-09. S. Read a third time and **passed**.
- 03-09. S. Ordered immediately messaged.
- 03-09. A. Received from Senate concurred in 937

SB

**2005
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-2998/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-13-06

Date

J. Miller

Enrolling Drafter

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2005 ASSEMBLY BILL 429

May 17, 2005 - Introduced by COMMITTEE ON CAMPAIGNS AND ELECTIONS. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to repeal* 11.50 (2m); *to amend* 20.510 (1) (q); and *to repeal and*
2 *recreate* 71.10 (3) (b) of the statutes; **relating to:** deletion of changes to
3 campaign finance and related laws made by 2001 Wisconsin Act 109 affecting
4 public information concerning the Wisconsin election campaign fund.

Analysis by the Legislative Reference Bureau

2001 Wisconsin Act 109 made comprehensive changes to campaign finance law, ethics, income tax, public broadcasting, and cable television laws. Most changes made by Act 109 took effect on July 1, 2003. With the exception of provisions requiring candidate time on public broadcasting stations and public access channels at public expense, these provisions were made nonseverable so that if a court found that any of the provisions were unconstitutional all of the provisions would then be invalid. In *Wisconsin Realtors Association et al. v. Ponto et al.*, 299 F.Supp.2d 889 (W.D. Wis., 2002), the U.S. District Court found that one provision of Act 109 relating to advance reporting of certain independent disbursements before obligations are incurred to make those disbursements violates the First and Fourteenth amendments. This decision apparently precludes enforcement and administration of the Act 109 changes as of December 11, 2002. The Act 109 changes, however, currently remain in the statutes.

This bill deletes the changes described above made by Act 109 that are affected by the nonseverability provision relating to authorization for the Elections Board to allocate up to one percent of the annual amounts designated by individuals filing

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income tax returns for the Wisconsin election campaign fund (WECF) to provide public information concerning the purpose and effect of WECF.

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

1 **SECTION 1.** 11.50 (2m) of the statutes, as created by 2001 Wisconsin Act 109,
2 is repealed.

3 **SECTION 2.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is amended to read:

5 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
6 appropriation, from the Wisconsin election campaign fund, the moneys determined
7 under s. 11.50 to provide for payments to eligible candidates ~~whose names are~~
8 certified under s. 7.08 (2) (c) ~~and (em) and to provide for public information as~~
9 ~~authorized under s. 11.50 (2m).~~

10 **SECTION 3.** 71.10 (3) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

12 71.10 (3) (b) The secretary of revenue shall provide a place for those
13 designations on the face of the individual income tax return and shall provide next
14 to that place a statement that a designation will not increase tax liability. Annually
15 on August 15, the secretary of revenue shall certify to the elections board, the
16 department of administration and the state treasurer under s. 11.50 the total
17 amount of designations made during the preceding fiscal year. If any individual
18 attempts to place any condition or restriction upon a designation, that individual is
19 deemed not to have made a designation on his or her tax return.

20

(END)