

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

