2005 ASSEMBLY BILL 429

May 17, 2005 – Introduced by Committee on Campaigns and Elections. Referred to Committee on Campaigns and Elections.

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.

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:

SECTION 1. 11.50 (2m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

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

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

SECTION 3. 71.10 (3) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

20 (END)