

2005-06 SESSION

COMMITTEE HEARING RECORDS

Assembly Committee on Campaigns & Elections (AC-CE)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

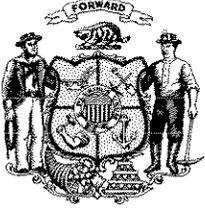
➤ **

➤ Miscellaneous ... Misc

➤ **05hr_AC-CE_Misc_pt01**

➤ Record of Comm. Proceedings ... RCP

➤ **



JIM KREUSER

State Representative • 64th Assembly District

DEMOCRATIC LEADER-WISCONSIN STATE ASSEMBLY

July 21, 2005

Speaker John Gard
211 West State Capitol

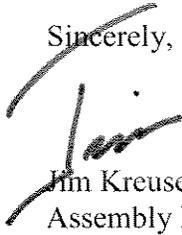
Rep. Stephen Freese
115 West State Capitol

Dear Speaker Gard and Representative Freese,

Today at 10:43 a.m., Assembly Democrats on the Campaigns and Elections Committee were notified that the committee would be meeting tomorrow at 10:30 a.m. to take action on Clearinghouse Rule 05-027.

Rep. Fred Kessler will be unable to attend the meeting, therefore, Rep. Mark Pocan will be sitting in his place.

Sincerely,



Jim Kreuser
Assembly Democratic Leader

MADISON: P.O. Box 8952, Madison, WI 53708-8952 • (608)266-5504
FAX: (608) 282-3664 • **Toll-Free:** 1-888-534-0064 • **E-MAIL:** Rep.Kreuser@legis.state.wi.us
DISTRICT: 3505 14th Place, Kenosha, WI 53144 • (262)553-5555



John Gard

Speaker of the Assembly

July 21, 2005

Mr. Patrick Fuller
Chief Clerk
Wisconsin State Assembly
Room 208, Risser Justice Center
17 West Main Street
Madison, Wisconsin 53708

Dear Patrick:

Representatives Gundrum, Wood and Vos are unable to attend the hearing of the Committee on Campaigns and Elections on Friday, July 22, 2005. Representatives Towns, Ward and Hahn will attend in their absence.

Sincerely,

A handwritten signature in black ink that reads "John G. Gard". The signature is written in a cursive style.

John G. Gard
Speaker

cc: ~~Representative Freese~~



Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

June 24, 2005

Kevin Kennedy
State Elections Board
17 West Main Street, Ste 310
Madison, WI 53701-2973

Dear  Mr. Kennedy;

This letter is to inform you that the Assembly Committee on Campaigns and Elections is requesting further time for review of Clearinghouse Rule 05-027 relating to conversion of federal campaign committee funds.

We would like to have you meet with the committee to discuss the rule. We will contact you to set up a time to meet.

Sincerely,

STEPHEN J. FREESE
Chair, Assembly Committee on Campaigns and Elections

c: Members, Assembly Committee on Campaigns and Elections
Legislative Council Attorney, Robert Conlin

Fifty-First Assembly District

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789

NOTICE

This notice is to inform you that the proposed rulemaking of the State Elections Board, appearing in Clearinghouse Rule 05-027, amending EIBd.1.39(2), is submitted to the presiding officer of each house of the legislature. This submission includes the proposed rule, the Legislative Council's staff's report and the Elections Board's report. In addition, the Elections Board is placing in the Wisconsin Administrative Register a notice that the proposed rules have been submitted to the presiding officer of each house.

Dated May 19, 2005

STATE ELECTIONS BOARD



George A. Dunst
Legal Counsel

REPORT
OF
STATE ELECTIONS BOARD

Clearinghouse Rule 05-027
Rules Chapter EIBd. 1.39(2)
Wisconsin Administrative Code

Section EIBd. 1.39(2)

1. Findings of fact:

This amended rule interprets ss.11.01(1), (6), (15), (16), 11.05(1), (7), 11.06(1), (3), (4), (12), 11.(07), 11.10(4), 11.24(2), 11.26(4), (10), 11.38(1), stats. The rule prohibits the conversion of federal campaign committees into state campaign committees and limits the contributions from federal campaign committees to state campaign committees to the maximum contribution allowable from a single committee to a candidate for the office sought..

Since the Bi-Partisan Campaign Reform Act of 2002, (BICRA), transfers of funds from a federal campaign committee to a state campaign committee had not been authorized under federal law. In November, 2004, Congress amended the Federal Election Campaign Act, (H.R. 4818, s.532(3) and 532(4), to permit the transfer of a federal candidate's campaign committee's funds to the candidate's state campaign committee, if state law permitted, and subject to the state law's requirements and restrictions.

Because of Congress' action in November, 2004, money which had not been available to a state committee under BICRA, and which might not have qualified for use for political purposes in a state campaign because of its source or because of other noncompliance with state law, could now be transferred to a state committee, if state law permitted. Wisconsin law, under the Board's current rule, EIBd 1.39, Wis. Adm. Code, allows for conversion of federal campaign committees, and their funds, to a state campaign committee without regard to the source of those funds and without regard to contribution limitations. The Board finds that prohibiting conversions and restricting such transfers to the maximum permissible for any other single committee to a candidate for the same office is found to be in the public interest

2. Conclusion and recommended action:

The State Elections Board unanimously concludes that ss.EIBd. 1.39(2) should be amended as described. The amendment to these rules is necessary to restrict the contribution of federal campaign committee funds to the maximum

allowable, under s.11.26(2) and (10), Stats. from any single committee in Wisconsin to a candidate for the office sought. The Board recommends promulgation of this rule.

3. Explanations of modifications to the proposed rule:

The State Elections Board makes no substantive modifications to this rule.

4. List of persons appearing at the public hearing:

No persons appeared at the public hearing that was held on May 18, 2005.

5. Response to Legislative Council staff report:

The State Elections Board adopts the Legislative Council's staff's comments and has incorporated the suggested changes in the rule, except that the Board did not attempt to define the term "convert" because the term has been in use for 28 years without dispute about its meaning; and the Board has eliminated all the language after the first sentence of par.(2)(b) of the rule because that language has no application if conversions are prohibited under par.(2)(a) of the rule.

Respectfully submitted,

May 19, 2005

STATE ELECTIONS BOARD


George A. Dunst
Legal Counsel

WISCONSIN ADMINISTRATIVE CODE

STATE ELECTIONS BOARD

SECTION 1. EIBd 1.39(2) is amended to read:

EIBd 1.39 Conversion of federal campaign committee to state committee prohibited.

(2)(a) A candidate's federal campaign committee may not be converted to a state campaign committee, ~~and~~

(b) A candidate's federal campaign committee may contribute use funds collected for federal purposes to in the candidate's a state or local campaign, not to exceed the maximum amount that may be contributed by a single committee to a candidate for the same office under ss.11.26(2) and (10), Stats., by filing a campaign finance registration statement, pursuant to s. 11.05, Stats., with the appropriate filing officer, and simultaneously filing a campaign finance disclosure report showing the sources of all funds on hand being contributed at the time of the report, pursuant to the requirements of s. 11.06 (1) (a), (b), (c), (d) and (f), Stats. In determining the sources of funds on hand being contributed and allocating those funds among the sources, the funds shall be treated on a last in, last out basis, so that they will be attributed in the report to the most recent sources, in the full amount received from each source.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

CONTACT PERSON:

George A. Dunst
Legal Counsel, State Elections Board
17 W. Main Street, P.O. Box 2973
Madison, Wisconsin 53701-2973; Phone 266-0136

The creation of this rule will take effect on the first day of the month following its publication in the Wisconsin Administrative Register pursuant to s.227.22(2), Stats.

Dated May 19, 2005,



KEVIN J. KENNEDY
Executive Director

Vote Record
Committee on Campaigns and Elections

Date: 1/22/05

Moved by: Freese

Seconded by: Towns

AB _____

SB _____

Clearinghouse Rule 05-027

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

OBJECTION TO RULE ATTACHED

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>2</u>	_____	_____

Motion Carried

Motion Failed

Motion on Clearinghouse Rule 05-27

**Assembly Committee on Campaigns and Elections
Executive Session
July 22, 2005**

Move that the Assembly Committee on Campaigns and Elections object, pursuant to s. 227.19 (4) (d) 6., Stats., to the promulgation of Clearinghouse Rule 05-027, relating to use of federal campaign funds in a campaign for a Wisconsin elective office, as the proposed rule is arbitrary and capricious and imposes an undue hardship.

Griffiths, Terri

From: Griffiths, Terri
Sent: Thursday, May 26, 2005 5:16 PM
To: Blodgett, Tony; Hale, Janine; Rep.WoodJ; Churchill, Jolene; Usealman, Kevin; Rep.Freese; Rep.Gundrum; Rep.Kessler; Rep.Travis; Rep.Vos; Conlin, Robert; Little, Sharon; Griffiths, Terri
Subject: 2005 Clearinghouse Rule 05-027.doc
Attachments: CR 05-027.pdf

There will be no hard copy of this memo presented to the committee.

TO: Members of the Assembly Committee on Campaigns and Elections

Rep. Mark Gundrum, Vice-Chair	Rep. David Travis
Rep. Jeff Wood	Rep. Fred Kessler
Rep. Robin Vos	

FROM: Representative Stephen Freese, Chair
DATE: May 26, 2005
RE: Clearinghouse Rule 05-027

On May 26, 2005, the following clearinghouse rule was referred to the Assembly Campaigns and Elections Committee:

Clearinghouse Rule 05-027, relating to conversion of federal campaign committee funds.

The deadline for committee action on this rule is **Monday, June 27, 2005**. If you are interested in requesting a hearing and/or submitting comments, please do so prior to the deadline date.

A PDF copy of the rule is attached.

If you have questions regarding this process, please contact Terri Griffiths at 266-7502.

Notify Ed to talk -

*Put out notice June 24 that extends the deadline 30 days
V w/ Kennedy on urgency.*

pg. 25 in manual

*17 West Main St, Sk 30
Madison, WI 53701-2913*