

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_pt32**

➤ Record of Comm. Proceedings ... RCP

➤ **

Comparison of 2003 Senate Bill 12 and 2001 Engrossed Assembly Bill 843

2003 SENATE BILL 12	2001 ENGROSSED ASSEMBLY BILL 843
<p>A. REGISTRATION AND REPORTING REQUIREMENTS</p> <ul style="list-style-type: none"> • <u>“Issue Ads”</u>. Imposes registration and financial reporting requirements upon individuals or groups that make a communication during the period beginning on the 60th day preceding an election and ending on the date of that election and that includes a reference to a candidate whose name is certified to appear on the ballot at that election, a reference to an office to be filled at that election, or a reference to a political party. A registrant making this type of communication must include in a registration statement a report containing the information relating to any incurred obligation or disbursement made for the purpose of making the communication prior to registration. [SECS. 11, 15, and 24.] 	<ul style="list-style-type: none"> • Requires any person who makes one or more communications to be financed with an independent expenditure exceeding \$2,000 in the aggregate to file a report with the Elections Board. The report must be made on a form prescribed by the Elections Board. The report must be filed whenever the person makes one or more communications financed or to be financed with independent expenditures exceeding \$2,000 in the aggregate and whenever the person makes one or more additional communications financed or to be financed with independent expenditures exceeding \$2,000 in the aggregate that are not identified in a previous report. Reports must be filed within seven days after such communications are made. If the communication is made within 15 days of an election, the report must be filed within 24 hours after the communication is made. • If the person makes or incurs an obligation to make a single independent expenditure to finance communications to be made on more than one day, the person may report the entire expenditure for the day on which the person makes the first communication, or the person may report for each day on which the person makes the communications the proportionate amount of the expenditure attributable to the cost of the communications made. • Each report must contain the name of each candidate who is identified in each communication financed by an independent expenditure, a statement as to whether the communication is intended to support or oppose any candidate, and the total amount or value of the independent expenditure and the cumulative aggregate independent expenditures made by the person with respect to that election. • If the person does not indicate whether an independent expenditure is made against a candidate or for an opponent, or if the report does not appear to be correct, the Elections Board may obtain a copy of the communication and, after examination, may determine whether the communication was intended to support or oppose a candidate.

2003 SENATE BILL 12	2001 ENGROSSED ASSEMBLY BILL 843
	<ul style="list-style-type: none"> • Defines an “independent expenditure” as an expenditure made for the purpose of making a communication that is made during the period beginning 30 days preceding a primary, or beginning 60 days preceding another election and ending on the date of the election, that contains a reference to a clearly identified candidate for an office to be filled at that election, that is made without cooperation or consultation with such a candidate and that is not made in concert with, or at the request or suggestion of such a candidate.
<ul style="list-style-type: none"> • <u>Referenda Reports.</u> Requires an individual who accepts contributions, incurs obligations, or makes disbursements with respect to a referendum, or a political group which similarly makes or accepts contributions, incurs obligations, or makes disbursements, in excess of \$100 in a calendar year, to file a statement with the appropriate filing officer providing registration information such as the name of the individual or group, the name of the treasurer, the nature of the referenda, and other identifying information. [SECS. 17, 18, and 82.] 	<ul style="list-style-type: none"> • Similar treatment.
<ul style="list-style-type: none"> • <u>Candidate’s Identity.</u> Requires the registration statement of a personal campaign committee to identify the candidate on whose behalf the committee was formed and the office that the candidate seeks. [SEC. 21.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Phone, Fax or Email of a Candidate.</u> Requires the registration statement of a candidate or personal campaign committee to include the telephone number and fax number or email address, if any, at which the candidate may be contacted. [SEC. 23.] 	<ul style="list-style-type: none"> • No similar provision.

2003 SENATE BILL 12	2001 ENGROSSED ASSEMBLY BILL 843
<ul style="list-style-type: none">• <u>Exemption From Independent Disbursement Report-State Office.</u> Provides that an individual or committee required to file an oath of independent disbursements and who or which accepts contributions, makes disbursements, or incurs obligations, for purposes of supporting or opposing one or more candidates for <i>state office</i> but who or which does not anticipate accepting contributions, making disbursements, or incurring obligations in excess of \$1,000 in a calendar year and does not anticipate accepting a contribution exceeding \$100 from a single source may make a statement to that effect on the registration statement and the individual or committee will not be subject to any filing requirements if the statement is true. The statement may be revoked and, if it is, filing requirements apply. If revocation is not timely made, it is considered a violation of false reporting statutes. An independent disbursement refers to an expenditure that is made clearly for the purpose of opposing the election of a grant recipient, or for the purpose of supporting a certified opponent of that candidate, when none of the disbursements are made in cooperation with the grant recipient's opponent. [SEC. 40.]	<ul style="list-style-type: none">• No similar provision.
<ul style="list-style-type: none">• <u>Exemption From Independent Disbursement Report-Local Office.</u> Provides that an individual or committee required to file an oath of independent disbursements and who or which accepts contributions, makes disbursements, or incurs obligations for supporting or opposing one or more candidates for <i>local office</i> but who or which does not anticipate accepting contributions, making disbursements, or incurring obligations in excess of \$100 in a calendar year and does not anticipate accepting any contribution exceeding \$100 from a single source may make a statement to that effect on the registration statement and the individual or committee will not be subject to any filing requirements if the statement is true. The statement may be revoked and, if it is, filing requirements apply. If the revocation is not timely made, it is considered a violation of the false reporting statutes. [SEC. 40.]	<ul style="list-style-type: none">• No similar provision.
<ul style="list-style-type: none">• <u>24-Hour Reporting of Obligations.</u> Extends the 24-hour reporting requirement under current law for disbursements in excess of \$20 made within the last 15 days prior to an election to include the reporting of incurred obligations over \$20 in that time period. [SEC. 61.]	<ul style="list-style-type: none">• No similar provision.

2003 SENATE BILL 12	2001 ENGROSSED ASSEMBLY BILL 843
<ul style="list-style-type: none"> • <u>24-Hour Reporting of Independent Disbursements.</u> Requires any committee which receives a contribution, makes an independent disbursement, or incurs an obligation for purposes of supporting the election or defeat of a candidate for Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Superintendent, Justice, Representative or Senator, or for the purpose of presenting an issue ad, to file reports with the Elections Board within 24 hours after any of the specified events. Among other things, the report must include the name of each candidate who was supported or whose opponent is opposed and the total amount of funds involved in support of or in opposition to the candidate. [SEC. 61.] 	<ul style="list-style-type: none"> • Requires reporting within 24 hours of disbursements or obligations made independently of a candidate for a communication that advocates the election or defeat of a candidate within 15 days of an election and exceeding \$250.
<ul style="list-style-type: none"> • <u>24-Hour Reporting for Candidates not Accepting Public Financing.</u> Provides that any candidate for Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Superintendent, Representative or Senator who does not accept a grant from the Wisconsin Election Campaign Fund (Fund) and who makes a disbursement after accumulating cash or who makes disbursements exceeding a combined total of 75% of the disbursement limit for the applicable office, must file daily reports with the Elections Board and each candidate for that office, by email or fax, on each day beginning with that date or the seventh day after the primary election was held (or would have been held), whichever is later. Each report must contain information pertaining to each disbursement made by the candidate or committee and must be filed no later than 24 hours after the disbursement is made. If no email or fax number is available, the report must be filed at the address shown for the candidate. [SEC. 62.] 	<ul style="list-style-type: none"> • No similar provision, but required a candidate at a primary or other election to file weekly preprimary or preelection reports once he or she received contributions or other income exceeding 75% of the disbursement level for that office. The reporting requirement applied no earlier than the 15th day before a primary or the 15th day before the date a primary would be held if one were required.
<ul style="list-style-type: none"> • <u>Timely Reports.</u> Provides that a report is timely filed only by delivering it to the appropriate filing office or agency by the due date or by depositing the report with the U.S. Postal Service no later than the third day before the due date. [SEC. 75.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Nonresident Reporting.</u> Provides that a nonresident registrant must report the same information that a resident will report, but must state separately: (a) contributions and other income received from sources in Wisconsin; and (b) disbursements made and obligations incurred with respect to an election for state or local office in Wisconsin. [SECS. 41 to 44.] 	<ul style="list-style-type: none"> • Similar treatment.

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<ul style="list-style-type: none"> <u>Duplicate Filing.</u> No provision. 	<ul style="list-style-type: none"> Requires registrants whose filing officer is the Elections Board and who make disbursements in connection with elections affecting only one county or a portion thereof to file duplicate originals of these reports with the filing officer of each jurisdiction in which such elections are held. 																																																
<p>B. CONTRIBUTIONS</p> <ul style="list-style-type: none"> <u>Individual Contribution Limits.</u> Retains the individual contribution limits under current law for certain offices as follows: <table border="0" data-bbox="207 674 760 1024"> <thead> <tr> <th></th> <th><i>Current</i></th> <th><i>Senate Bill 12</i></th> </tr> </thead> <tbody> <tr><td>Governor</td><td>\$10,000</td><td>\$10,000</td></tr> <tr><td>Lieutenant Gov.</td><td>\$10,000</td><td>\$10,000</td></tr> <tr><td>Attorney General</td><td>\$10,000</td><td>\$10,000</td></tr> <tr><td>Secretary of State</td><td>\$10,000</td><td>\$10,000</td></tr> <tr><td>Treasurer</td><td>\$10,000</td><td>\$10,000</td></tr> <tr><td>Superintendent</td><td>\$10,000</td><td>\$10,000</td></tr> <tr><td>Justice</td><td>\$10,000</td><td>\$10,000</td></tr> <tr><td>Senator</td><td>\$1,000</td><td>\$1,000</td></tr> <tr><td>Representative</td><td>\$500</td><td>\$500</td></tr> </tbody> </table>		<i>Current</i>	<i>Senate Bill 12</i>	Governor	\$10,000	\$10,000	Lieutenant Gov.	\$10,000	\$10,000	Attorney General	\$10,000	\$10,000	Secretary of State	\$10,000	\$10,000	Treasurer	\$10,000	\$10,000	Superintendent	\$10,000	\$10,000	Justice	\$10,000	\$10,000	Senator	\$1,000	\$1,000	Representative	\$500	\$500	<ul style="list-style-type: none"> Similar treatment, but modifies individual contribution limits for the following two offices: <table border="0" data-bbox="883 646 1425 726"> <tr><td>Senator</td><td>\$1,500</td></tr> <tr><td>Representative</td><td>\$750</td></tr> </table> Further provides that for a candidate who does not accept a grant and does not file an affidavit of voluntary compliance with the disbursement limits, the individual contribution limits for that candidate are 50% of the applicable amounts. Creates a quadrennial cost of living adjustment for individual contribution limits beginning in 2006. 	Senator	\$1,500	Representative	\$750														
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<ul style="list-style-type: none"> <u>Committee Contribution Limits.</u> Modifies committee contribution limits for certain offices as follows: <table border="0" data-bbox="207 1136 760 1486"> <thead> <tr> <th></th> <th><i>Current</i></th> <th><i>Senate Bill 12</i></th> </tr> </thead> <tbody> <tr><td>Governor</td><td>\$43,128</td><td>\$45,000</td></tr> <tr><td>Lieutenant Gov.</td><td>\$12,939</td><td>\$15,000</td></tr> <tr><td>Attorney General</td><td>\$21,560</td><td>\$25,000</td></tr> <tr><td>Secretary of State</td><td>\$8,625</td><td>\$10,000</td></tr> <tr><td>Treasurer</td><td>\$8,625</td><td>\$10,000</td></tr> <tr><td>Superintendent</td><td>\$8,625</td><td>\$10,000</td></tr> <tr><td>Justice</td><td>\$8,625</td><td>\$10,000</td></tr> <tr><td>Senator</td><td>\$1,000</td><td>\$1,000</td></tr> <tr><td>Representative</td><td>\$500</td><td>\$500</td></tr> </tbody> </table> <p>[SECS. 91, 92, 94, and 96.]</p>		<i>Current</i>	<i>Senate Bill 12</i>	Governor	\$43,128	\$45,000	Lieutenant Gov.	\$12,939	\$15,000	Attorney General	\$21,560	\$25,000	Secretary of State	\$8,625	\$10,000	Treasurer	\$8,625	\$10,000	Superintendent	\$8,625	\$10,000	Justice	\$8,625	\$10,000	Senator	\$1,000	\$1,000	Representative	\$500	\$500	<ul style="list-style-type: none"> Modifies committee contribution limits for certain offices as follows: <table border="0" data-bbox="883 1146 1247 1608"> <tr><td>Governor</td><td>\$43,500</td></tr> <tr><td>Lieutenant Governor</td><td>\$12,000</td></tr> <tr><td>Attorney General</td><td>\$22,000</td></tr> <tr><td>Secretary of State</td><td>\$8,650</td></tr> <tr><td>Treasurer</td><td>\$8,650</td></tr> <tr><td>Superintendent</td><td>\$12,000</td></tr> <tr><td>Justice</td><td>\$12,000</td></tr> <tr><td>Senator</td><td>\$1,500</td></tr> <tr><td>Representative</td><td>\$750</td></tr> </table> Further provides that for a candidate who does not accept a grant and does not file an affidavit of voluntary compliance with the disbursement limits, the committee contribution limits for that candidate are 50% of the above amounts. Amounts subject to indexing quadrennially. 	Governor	\$43,500	Lieutenant Governor	\$12,000	Attorney General	\$22,000	Secretary of State	\$8,650	Treasurer	\$8,650	Superintendent	\$12,000	Justice	\$12,000	Senator	\$1,500	Representative	\$750
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<ul style="list-style-type: none"> • <u>Overall Individual Contribution Limits.</u> Retains the overall individual contribution limit at \$10,000 per year. [SEC. 100.] 	<ul style="list-style-type: none"> • Similar treatment, but amount is subject to indexing quadrennially. 																																	
<ul style="list-style-type: none"> • <u>Contributor Information.</u> Requires a campaign treasurer of a registrant that receives a contribution of money from an individual who has contributed over \$100 within a calendar year to obtain information relating to the person's occupation and principal place of employment before depositing the contribution. If the treasurer does not obtain this information, the contribution must be returned. [SEC. 58.] 	<ul style="list-style-type: none"> • No similar provision. 																																	
<ul style="list-style-type: none"> • <u>Committee Contributions in General.</u> Provides new contribution limits applicable to political party committees and committees other than political party committees as follows: <table border="0" data-bbox="191 846 756 1381"> <thead> <tr> <th></th> <th style="text-align: center;"><i>Political Party Comts.</i></th> <th style="text-align: center;"><i>Comts. Other Than Political Party Comts.</i></th> </tr> </thead> <tbody> <tr> <td>Governor</td> <td style="text-align: right;">\$400,000</td> <td style="text-align: right;">\$485,190</td> </tr> <tr> <td>Lieutenant Gov.</td> <td style="text-align: right;">\$100,000</td> <td style="text-align: right;">\$145,564</td> </tr> <tr> <td>Attorney General</td> <td style="text-align: right;">\$100,000</td> <td style="text-align: right;">\$242,550</td> </tr> <tr> <td>Secretary of State</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Treasurer</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Justice</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Superintendent</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Senator</td> <td style="text-align: right;">\$24,000</td> <td style="text-align: right;">\$15,525</td> </tr> <tr> <td>Representative</td> <td style="text-align: right;">\$12,000</td> <td style="text-align: right;">\$7,763</td> </tr> <tr> <td>Other state or local office</td> <td style="text-align: right;">20% of disbursement level</td> <td style="text-align: right;">25% of disbursement level</td> </tr> </tbody> </table> <p>[SECS. 106 and 108.]</p>		<i>Political Party Comts.</i>	<i>Comts. Other Than Political Party Comts.</i>	Governor	\$400,000	\$485,190	Lieutenant Gov.	\$100,000	\$145,564	Attorney General	\$100,000	\$242,550	Secretary of State	\$50,000	\$97,031	Treasurer	\$50,000	\$97,031	Justice	\$50,000	\$97,031	Superintendent	\$50,000	\$97,031	Senator	\$24,000	\$15,525	Representative	\$12,000	\$7,763	Other state or local office	20% of disbursement level	25% of disbursement level	<ul style="list-style-type: none"> • Essentially retains current law, but provides for indexing quadrennially.
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<ul style="list-style-type: none"> • <u>Contributions by and to Certain Federal Registrants.</u> No provision. 	<ul style="list-style-type: none"> • Prohibits a federal candidate committee from making a contribution to a Wisconsin candidate or personal or support committee of that candidate, and prohibits a personal campaign committee from making a contribution to a federal political registrant. 																																	
<ul style="list-style-type: none"> • <u>Committee Contributions to Publicly Financed Candidates.</u> Prohibits a candidate or personal campaign committee that applies for a grant from the Fund from accepting a contribution from a committee other than a political party committee. [SECS. 84, 136, and 146.] 	<ul style="list-style-type: none"> • No similar provision. 																																	

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<ul style="list-style-type: none"> • <u>Contributions to Incumbents During Legislative Session.</u> Prohibits contributions to any incumbent partisan state elective official for the purpose of promoting that official's nomination for reelection to the office held by the official during the period beginning on the first Monday in January of odd-numbered years and ending on the date of enactment of the biennial budget act. [SEC. 86.] 	<ul style="list-style-type: none"> • With certain exceptions, prohibits a member of the Legislature or his or her campaign committee from making or receiving any contribution in connection with a fundraising social event held in Dane County during a floorperiod or a special or extraordinary session if the event is held to benefit a member or member's personal campaign committee. Provides a forfeiture of up to \$500 for each violation, and a fine of up to \$1,000 and up to six months imprisonment, or both, for intentional violations.
<ul style="list-style-type: none"> • <u>Contributions to Political Parties.</u> Increases, for political parties, the amount they may receive in a biennium from all committees, excluding transfers between party committees of the party, from \$150,000 to \$450,000. [SEC. 103.] 	<ul style="list-style-type: none"> • Similar treatment, but amount is to be indexed quadrennially.
<ul style="list-style-type: none"> • <u>Political Party Limits.</u> Increases the maximum amount a political party may receive from a committee, exclusive of political party committees, and increases the amount a committee, other than a political party committee, can contribute to a political party in a calendar year from \$6,000 to \$18,000. [SEC. 103.] 	<ul style="list-style-type: none"> • Similar treatment, but amounts to be indexed quadrennially.
<ul style="list-style-type: none"> • <u>PAC to PAC Transfers.</u> Prohibits a committee from making a contribution to any other committee, except a political party committee, personal campaign, or support committee. However, allows a committee affiliated with a labor organization to make a contribution to any other committee that is affiliated with the same labor organization. [SEC. 104.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Solicitation of Contributions.</u> Prohibits a state elective official and his or her personal campaign committee from soliciting a lobbyist or principal to arrange for another person to make a campaign contribution to that official or personal campaign committee or to another elective state official or the personal campaign of that official. [SEC. 167.] 	<ul style="list-style-type: none"> • No similar provision.

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<p>C. DISBURSEMENTS</p> <ul style="list-style-type: none"> • <u>Disbursement Limits.</u> Revises the disbursement levels for the following offices: <table border="0" data-bbox="207 407 764 758"> <thead> <tr> <th></th> <th><i>Current</i></th> <th><i>Senate Bill 12</i></th> </tr> </thead> <tbody> <tr> <td>Governor</td> <td>\$1,078,200</td> <td>\$2,000,000</td> </tr> <tr> <td>Lieutenant Gov.</td> <td>\$323,475</td> <td>\$500,000</td> </tr> <tr> <td>Attorney General</td> <td>\$539,000</td> <td>\$700,000</td> </tr> <tr> <td>Secretary of State</td> <td>\$215,625</td> <td>\$250,000</td> </tr> <tr> <td>Treasurer</td> <td>\$215,625</td> <td>\$250,000</td> </tr> <tr> <td>Superintendent</td> <td>\$215,625</td> <td>\$250,000</td> </tr> <tr> <td>Justice</td> <td>\$215,625</td> <td>\$300,000</td> </tr> <tr> <td>Senator</td> <td>\$34,500</td> <td>\$100,000</td> </tr> <tr> <td>Representative</td> <td>\$17,250</td> <td>\$50,000</td> </tr> </tbody> </table> <p>[SECS. 118, 119, and 120.]</p>		<i>Current</i>	<i>Senate Bill 12</i>	Governor	\$1,078,200	\$2,000,000	Lieutenant Gov.	\$323,475	\$500,000	Attorney General	\$539,000	\$700,000	Secretary of State	\$215,625	\$250,000	Treasurer	\$215,625	\$250,000	Superintendent	\$215,625	\$250,000	Justice	\$215,625	\$300,000	Senator	\$34,500	\$100,000	Representative	\$17,250	\$50,000	<ul style="list-style-type: none"> • Revises the disbursement levels for the following offices: <table border="0" data-bbox="883 407 1279 863"> <tbody> <tr> <td>Governor</td> <td>\$2,750,000</td> </tr> <tr> <td>Lieutenant Governor</td> <td>\$400,000</td> </tr> <tr> <td>Attorney General</td> <td>\$750,000</td> </tr> <tr> <td>Secretary of State</td> <td>\$300,000</td> </tr> <tr> <td>Treasurer</td> <td>\$300,000</td> </tr> <tr> <td>Superintendent</td> <td>\$400,000</td> </tr> <tr> <td>Justice</td> <td>\$400,000</td> </tr> <tr> <td>Senator</td> <td>\$112,500</td> </tr> <tr> <td>Representative</td> <td>\$45,000</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • All amounts are subject to indexing quadrennially. 	Governor	\$2,750,000	Lieutenant Governor	\$400,000	Attorney General	\$750,000	Secretary of State	\$300,000	Treasurer	\$300,000	Superintendent	\$400,000	Justice	\$400,000	Senator	\$112,500	Representative	\$45,000
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<ul style="list-style-type: none"> • <u>Competitive Primary.</u> Provides that the total disbursement limitation for a candidate whose name appears on the ballot at a primary election and who receives less than twice as many votes at that election as another candidate for the same office is 120% of the amount provided for the candidate receiving the greatest number of votes for that office. [SEC. 121.] 	<ul style="list-style-type: none"> • No similar provision. 																																																
<ul style="list-style-type: none"> • <u>Voluntary Limits.</u> Repeals the provision authorizing voluntary disbursement limitations for candidates who do not accept a grant from the Fund. [SEC. 123.] 	<ul style="list-style-type: none"> • Retains the voluntary disbursement limitations for candidates who do not accept a grant from the fund. Requires the filing of an affidavit in order to be bound by the limitations. 																																																
<ul style="list-style-type: none"> • <u>Limits Increased for Grants.</u> Provides that the disbursement limitation for a candidate who receives additional grants from the fund are increased by the amount of those grants. [SEC. 125.] 	<ul style="list-style-type: none"> • No similar provision. 																																																

2003 SENATE BILL 12	2001 ENGROSSED ASSEMBLY BILL 843
<ul style="list-style-type: none"> • <u>Cost-of-Living Adjustment.</u> Creates a cost-of-living adjustment for the disbursement limitations, which is to be determined by rule by the Elections Board. The board must determine the percentage difference between the Consumer Price Index for the 12-month period ending on December 31 of each odd-numbered year and the Consumer Price Index for calendar year 2003. Each biennium the Elections Board is required to adjust the disbursement limitations by that percentage to reflect any difference, rounded to the nearest multiple of \$25, which shall be in effect until a subsequent rule is promulgated. Such determinations by the Elections Board may be promulgated as emergency rules. [SECS. 117 and 126.] 	<ul style="list-style-type: none"> • Similar treatment, but adjustment is made quadrennially beginning in 2006 and applies to most contribution limits as well.
<ul style="list-style-type: none"> • <u>Federal Candidate Disbursements.</u> No provision. 	<ul style="list-style-type: none"> • Provides that no federal candidate committee may make a disbursement.
<p>D. PUBLIC FINANCING</p> <ul style="list-style-type: none"> • <u>Grant Amounts.</u> Retains the grant amount available to a candidate at the current level of 45% of the disbursement level for a general election. An additional 10% of the disbursement level may be awarded for an eligible primary campaign. [SECS. 152 and 157.] 	<ul style="list-style-type: none"> • Retains the grant amount at 45% for eligible candidates at the general election with the following exceptions: <ul style="list-style-type: none"> ◆ The total grant available for the Office of Justice is 65% of the disbursement level and that office, along with the Office of Superintendent, will enjoy a "first draw" on available grant funds. ◆ If a grant candidate has a balance in his or her account that equals or exceeds 100% of the applicable disbursement limit at the time of application, the candidate is not eligible for a grant. ◆ If a grant candidate does not have an opponent whose application for a grant has been approved, the amount of the grant is 50% of the amount otherwise payable. • Grants will be prorated if insufficient funds.
<ul style="list-style-type: none"> • <u>Extra Grant for Opposition Contributions.</u> Provides that if a candidate who accepts a grant is opposed by an independent committee that receives contributions intended to be used against the candidate, then the Elections Board must make an additional grant to the candidate in an amount equal to the total amount of contributions received for the purpose of opposing the candidate. [SEC. 157.] 	<ul style="list-style-type: none"> • No similar provision.

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<ul style="list-style-type: none"> • <u>Extra Grant Based on Opposition.</u> Provides that in the case of a candidate who accepts a grant, and is opposed by one or more candidates who do not accept a grant and who make total disbursements exceeding the disbursement level for the office, the Elections Board must make an additional grant to the candidate in an amount equal to the total amount or value of the disbursements made by the opposing candidate or candidates exceeding the disbursement level for that office. [SEC. 157.] 	<ul style="list-style-type: none"> • No extra grant, but as under current law if an opponent who receives 6% of the votes in a primary does not accept a grant and does not file an affidavit of voluntary compliance, the grant candidate is not bound by the contribution limits and disbursement limits. • Also provides that if a candidate determines that his or her opponent who has not filed an affidavit of voluntary compliance has made disbursements exceeding the disbursement limit, then that candidate and each of his or her opponents may make additional contributions to their own campaigns and may make additional disbursements exceeding the applicable limit in an amount equal to the lesser of the total contributions made by the opposing candidate to his or her own campaign or the amount by which the total disbursements made by the opposing candidate exceed the disbursement level applicable to that candidate. In addition, the contribution limits are doubled for the candidate and all the opponents.
<ul style="list-style-type: none"> • <u>Extra Grant Based Upon Independent Obligations and Disbursements.</u> Provides that if the obligations incurred and the disbursements made by an independent committee against a candidate who accepts a grant, including obligations incurred and disbursements made for issue ad purposes, exceeds 10% of the disbursement level for the particular office, then the board must make an additional grant to the candidate equal to that sum, to the extent that the sum exceeds the amount of an additional grant already made based on the receipt of contributions by an independent committee. [SEC. 157.] 	<ul style="list-style-type: none"> • No extra grant, but provides that if the Elections Board receives a report that an independent expenditure has been made for a communication in opposition to a candidate, or in support of the candidate's opponent, the Elections Board must, no later than three days after receiving the report, issue a determination that the candidate may make additional disbursements in the campaign exceeding the applicable limits in an amount equal to the amount of the independent expenditure, and that contributions to the candidate may be doubled. • Requires a candidate to file a separate report identifying certain contributions used to exceed the disbursement limits.
<ul style="list-style-type: none"> • <u>Increased Checkoff.</u> Increases the income tax "checkoff" from \$1 to \$5 and allows the individual making such designation to indicate whether the amount shall be placed in the Fund's "general account" or "political party account." If a designation does not indicate which account, the "general account" will be credited. [SEC. 183.] 	<ul style="list-style-type: none"> • Similar treatment, but creates a "true checkoff" of up to \$5 whereby a person's tax liability is increased. • Provides up to a \$5 nonrefundable income tax credit for the "checkoff."
<ul style="list-style-type: none"> • <u>Donations to the Fund.</u> Authorizes contributions, that are otherwise required to be returned or donated to charitable organizations or to the common school fund, to be transferred to the Fund. [For example, SECS. 9 and 54.] 	<ul style="list-style-type: none"> • Similar treatment.

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<ul style="list-style-type: none"> • <u>Party Accounts.</u> Establishes a “general account” and a “political party account” under the Fund. Grants will be made from the political party account, the general account, and a sum sufficient appropriation, in that order. [SECS. 133 to 135, 148, 149, 151, and 179.] 	<ul style="list-style-type: none"> • Similar treatment. A candidate may receive funds from the “general account” only if the candidate receives at least 6% of the primary vote. However, a candidate need not meet this requirement for a grant from a “political party account.”
<ul style="list-style-type: none"> • <u>Limits on Committee Contributions.</u> Requires an applicant for a grant to file a sworn statement that he or she has not accepted and retained any contributions from committees, other than political party committees, and that he or she will not accept any, unless it is determined that he or she is ineligible for a grant. [SEC. 136.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Qualifying Fundraising.</u> Requires an applicant for a grant to have raised at least 3% of the disbursement level applicable to the office sought in contributions of \$100 or less from individuals who reside in the state, and, for a legislative candidate, by individuals at least 50% of whom reside in a county having territory within the legislative district for which the candidate seeks office. [SEC. 139.] 	<ul style="list-style-type: none"> • Similar treatment, but most candidates would have to raise 5% of the disbursement level and Senate and Assembly candidates would have to raise 7% of the disbursement level.
<ul style="list-style-type: none"> • <u>Applications.</u> Repeals the current authority for an eligible candidate to withdraw his or her public financing application. [SEC. 144.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Exceeding Disbursement Limit.</u> Repeals the current law provisions that allow a candidate who receives a grant to exceed the disbursement limit if his or her opponent does not accept a grant. [SEC. 145.] 	<ul style="list-style-type: none"> • No similar provision. (See Extra Grant Based on Opposition.)
<ul style="list-style-type: none"> • <u>Return of Committee Contribution.</u> Requires a candidate applying for a grant to return any contributions from committees, other than the political party committees, before filing an application for the grant. [SEC. 146.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Designated Checkoff.</u> Allows individuals to designate their income tax checkoff for a political party and requires such designated funds to go to a “political party” account. Moneys from such an account are apportioned to eligible candidates representing the party who qualify for grants. [SEC. 183.] 	<ul style="list-style-type: none"> • Similar treatment.
<ul style="list-style-type: none"> • <u>Supplemental Account.</u> Provides that if there are insufficient funds in the Fund, the State Treasurer is required to supplement the Fund from a sum sufficient GPR appropriation. [SEC. 151, 178, and 179.] 	<ul style="list-style-type: none"> • No similar provision. Grant funds prorated if sufficient funds not available.

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<ul style="list-style-type: none"> • <u>Electronic Transfer.</u> Requires the State Treasurer to electronically transfer any supplemental grants a candidate qualifies for to the candidate's campaign depository account if the Treasurer has the necessary account information. [SEC. 153.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Administration.</u> Requires the Elections Board to certify to the Department of Revenue (DOR) in each even-numbered year information relevant to eligible political parties and candidates for purposes of administering the Fund. [SEC. 162.] 	<ul style="list-style-type: none"> • Similar treatment.
<p>E. OTHER</p> <ul style="list-style-type: none"> • <u>Conduits.</u> Limits conduit transfers to amounts not to exceed committee contributions. [SEC. 90.] 	<ul style="list-style-type: none"> • No similar provision. Essentially retains current law. However, requires each registrant which receives contributions from a conduit to file a separate schedule developed by the Elections Board which identifies the name and address of the conduit, the date and amount of each transfer, and the total amount transferred by the conduit for each year.
<ul style="list-style-type: none"> • <u>Legislative Campaign Committees.</u> Eliminates the special status of legislative campaign committees. [For example, SEC. 13.] 	<ul style="list-style-type: none"> • Same treatment.
<ul style="list-style-type: none"> • <u>Public Information.</u> Creates a public information account, which is funded by up to 5% of the Fund, to be used by the Elections Board to provide public information on the income tax "checkoff" and the purpose and effect of public campaign financing. The Elections Board is required to prepare an easily understood description of the purposes and effect of the checkoff and public financing. [SEC. 147.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Local Prosecutions.</u> Authorizes the District Attorney of any county which has territory within the jurisdiction or district within which a candidate seeks office to bring an action for violation of campaign finance laws alleged to have been committed by the candidate. [SEC. 165.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Ethics Code.</u> Provides that an elected state official may not base official action on the condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, for a political purpose. No complaint alleging a violation of this provision may be filed during the period beginning 120 days before a general or spring election. Similar provisions apply to a local elected official. [SECS. 168 to 177.] 	<ul style="list-style-type: none"> • Same treatment.

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<ul style="list-style-type: none"> • <u>Use of Campaign Funds.</u> Provides that campaign funds may not be used for the payment of any civil penalties, except those civil penalties imposed by the campaign finance provisions of ch. 11, Stats. [SEC. 87.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Penalties.</u> Provides that a violation of the registration or reporting requirements may result in a forfeiture of not more than \$500 per day for each day of a continued violation. Also, if a disbursement is made, or an obligation to make a disbursement is incurred, in an amount or value differing from the amount reported, then specified forfeitures must be paid. For example, if the actual amount or value differs from the reported figures by more than 5% but not more than 10% cumulatively, the violator must forfeit four times the amount or value of the difference. If the difference is more than 10% but not more than 15% cumulatively, the violator must forfeit six times the amount or value of the difference. If the difference is greater than these amounts, the violator must forfeit eight times the amount of the difference. [SEC. 164.] 	<ul style="list-style-type: none"> • Increases the forfeiture amount for a violation of the campaign finance law, except a contribution violation, from \$500 to \$1,500. • Increases the forfeiture applicable to a person who files a delinquent report from the greater of \$50 or 1% of the relevant salary for the office to the greater of \$150 or 3% of the relevant salary. • Increases the maximum penalties that may be imposed for intentional violations of the campaign finance laws relating to registration requirements, contribution limitations, the prohibition in filing false reports, and other provisions from \$1,000 and six months imprisonment, if the violation does not exceed \$100 and \$10,000 and four years and six months imprisonment if the violation exceeds \$100, to \$3,000 and one year imprisonment for violations under \$100 and \$30,000 and nine years imprisonment for violations over \$100.
<ul style="list-style-type: none"> • <u>Tax Information.</u> Requires DOR to place public information materials concerning the tax checkoff prepared by the Elections Board in tax return instructions. [SEC. 183.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Declaratory Actions.</u> Authorizes any person who proposes to publish, disseminate or broadcast any communication, or any person who causes such publication, dissemination or broadcast, to commence a declaratory action to determine the application of the registration requirements under the campaign finance law to that person. [SEC. 185.] 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Nonseverability.</u> Provides that if a court finds all or any portion of the bill relating to issue ads, independent expenditure and issue ad reporting, transfers between committees, or extra grants based on the contributions, obligations, or disbursements of independent entities is unconstitutional, then all of <i>those</i> provisions are void in their entirety. [SEC. 193.] 	<ul style="list-style-type: none"> • Provides that if any aspect of the bill relating to independent expenditures, or adjustments made to contribution limits in response to independent expenditures are found unconstitutional then all of those provisions are void in their entirety. Further, if any aspect of the provisions of the bill that provide different individual and committee contribution limits based on whether a candidate agrees to voluntarily adhere to the applicable disbursement limits, all of those provisions are void in their entirety.

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<ul style="list-style-type: none">• <u>Board Staff.</u> Increases the full-time equivalent staff positions at the Elections Board to add one campaign finance investigator and one auditor and provide \$76,100 in fiscal year 2003-04 and \$85,100 for fiscal year 2005-06 for these positions. [SEC. 194.]	<ul style="list-style-type: none">• No similar provision.
<ul style="list-style-type: none">• <u>Election Complaint Procedure.</u> No provision.	<ul style="list-style-type: none">• Creates an additional procedure for enforcement of the election laws in which any person may file a sworn complaint with the executive director of the Elections Board alleging a violation of the election laws. The executive director must investigate the complaint unless the executive director finds the complaint to be without merit. The executive director may also investigate any violation on his or her own initiative or at the direction of the board. The executive director may order an election official or private person to act in conformity with the election laws or rules of the board. The decision of the executive director may be appealed to the board. In deciding the appeal, the board is not bound by any findings or conclusions of the executive director. Any decision of the board is subject to court review. The board must periodically examine and review decisions issued under this procedure in order to clarify and improve the administration of the election laws.
<ul style="list-style-type: none">• <u>Injunctive Relief.</u> No provision.	<ul style="list-style-type: none">• Requires that an elector who proposes to bring suit for injunctive relief under current law with respect to an alleged violation concerning an election for state office or a statewide referendum must first file a sworn complaint with the executive director of the Elections Board, and if the executive director does not order the relief sought within 10 days and the elector does not appeal the matter to the board, or the board, after a hearing, does not order the relief sought by the elector, the elector may then sue for injunctive relief.

2003 SENATE BILL 12	2001 ENGROSSED ASSEMBLY BILL 843
<ul style="list-style-type: none">• <u>Public Broadcasting.</u> No provision.	<ul style="list-style-type: none">• Provides that public broadcasting television stations and public access channels must provide free airtime for candidates for state office. The Elections Board must promulgate rules that require public broadcasting television stations and public access channel operators to provide a minimum amount of free time to candidates for state office. The rules must require public access channel operators and public television stations to offer the same amount of time to each candidate for a particular state office, but may require different amounts of time to be offered to candidates for different offices.
<ul style="list-style-type: none">• <u>Conversion of Accounts.</u> No provision.	<ul style="list-style-type: none">• Prohibits the personal campaign committee or support committee of a candidate for state office from becoming the personal campaign or support committee of a candidate for local office.• Prohibits the personal campaign committee or support committee of a candidate for local office from becoming the personal campaign or support committee of a candidate for state office.

Prepared by: Robert J. Conlin, Senior Staff Attorney
Legislative Council staff
October 6, 2003
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