

2007 DRAFTING REQUEST

Bill

Received: **03/01/2007**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Cory Mason (608) 266-0634**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mason@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Scope of campaign finance regulation

Instructions:

Per 07 SB-77.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 03/01/2007	jdyer 03/01/2007		_____			
/1			nmatzke 03/01/2007	_____	sbasford 03/01/2007		
/2	jkuesel 03/02/2007	csicilia 03/02/2007	nmatzke 03/02/2007	_____	cduerst 03/02/2007		
/3	jkuesel	csicilia	rschluet	_____	sbasford	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	03/27/2007	03/27/2007	03/27/2007 _____		03/27/2007	03/28/2007	

FE Sent For:

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/1			nmatzke 03/01/2007	_____	sbasford 03/01/2007		
/2	jkuesel 03/02/2007	csicilia 03/02/2007	nmatzke 03/02/2007	_____	cdurst 03/02/2007		

13

jkuesel
3/27/07

13 yrs 3/27/07

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<END>

(NOTE) on 2

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/?	jkuesel 03/01/2007	jdyer 03/01/2007					
/1 /2	jkuesel 3/2/07		nmatzke 03/01/2007 nwn 3/2		sbasford 03/01/2007		

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1/1	jkuesel 3/1/07	1/3 1/1 Jld	nwn 3/1	nwn 3/1			

FE Sent For:

<END>

-2118/1
1
stays

THU 3/1

2007 SENATE BILL 77

February 28, 2007 - Introduced by Senators ERPENBACH, ELLIS, LEHMAN, WIRCH, HARS DORF, CARPENTER, RISSER, COWLES and BRESKE, cosponsored by Representatives TRAVIS, HEBL, TURNER, SHERMAN, BLACK, DAVIS, BERCEAU, SHERIDAN, VAN AKKEREN, POCAN, ZEPNICK, CULLEN, SOLETSKI and KAUFERT. Referred to Committee on Campaign Finance Reform, Rural Issues and Information Technology.

Regen

1 AN ACT *to amend* 11.06 (2); and *to create* 11.01 (16) (a) 3. and 11.05 (3) (s) of the
2 statutes; **relating to:** the scope of regulated activity under the campaign
3 finance law.

Analysis by the Legislative Reference Bureau

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election and by means of communications media, makes any communication which includes a reference to a candidate for state office at that election, a state office to be filled at that election, or a political party. The bill also requires an individual or organization who or which becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary

SENATE BILL 77

association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

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

1 **SECTION 1.** 11.01 (16) (a) 3. of the statutes is created to read:

2 11.01 **(16)** (a) 3. A communication that is made by means of one or more
3 communications media, other than a communication that is exempt from reporting
4 under s. 11.29, that is made during the period beginning on the 60th day preceding
5 an election and ending on the date of that election, and that includes a reference to
6 a candidate for state office whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d)
7 to appear on the ballot at that election, a reference to a state office to be filled at that
8 election, or a reference to a political party.

9 **SECTION 2.** 11.05 (3) (s) of the statutes is created to read:

10 11.05 **(3)** (s) In the case of a registrant that has made a communication
11 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
12 11.06 (1) with respect to any obligation to make a disbursement incurred or any
13 disbursement made for the purpose of making such a communication prior to
14 registration.

15 **SECTION 3.** 11.06 (2) of the statutes is amended to read:

16 11.06 **(2)** DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
17 sub. (1), if a disbursement is made or obligation incurred by an individual other than
18 a candidate or by a committee or group which is not primarily organized for political
19 purposes, and the disbursement does not constitute a contribution to any candidate

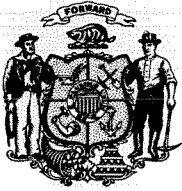
SENATE BILL 77

1 or other individual, committee, or group, and the disbursement is not made or the
2 obligation is not incurred for the purpose of making a communication specified in s.
3 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only if the
4 purpose is to expressly advocate the election or defeat of a clearly identified
5 candidate or the adoption or rejection of a referendum. The exemption provided by
6 this subsection shall in no case be construed to apply to a political party, legislative
7 campaign, personal campaign or support committee.

SECTION 4. Initial applicability.

8
9 (1) The treatment of section 11.01 (16) (a) 3. of the statutes first applies with
10 respect to reporting periods which begin on or after the effective date of this
11 subsection.

12 (END)



(D NOTES)
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2118/A 2
JTK:cjs:nwn
T
stays

(MAY 3/5)

2007 BILL

1 AN ACT to amend 11.06 (2); and to create 11.01 (16) (a) 3. and 11.05 (3) (s) of the
2 statutes; **relating to:** the scope of regulated activity under the campaign
3 finance law.

(regenerate)

Analysis by the Legislative Reference Bureau

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election and by means of communications media, makes any ^{mass} communication which includes a reference to a candidate for state office at that election, a state office to be filled at that election, or a political party. The bill also requires an individual or organization who or which becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary

one or more

a mass distribution, mass electronic communication, or a mass telephoning

BILL

association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

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

JWS
2-1
1

SECTION 1. 11.01 (16) (a) 3. of the statutes is created to read:

11.01 (16) (a) 3. A ^{mass} communication that is ~~made by means of one or more~~ ~~communications media~~, other than a communication that is exempt from reporting under s. 11.29, that is ^{comma stays} made 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 for state office whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that election, a reference to a state office to be filled at that election, or a reference to a political party.

SECTION 2. 11.05 (3) (s) of the statutes is created to read:

11.05 (3) (s) In the case of a registrant that has made a ^{mass} communication identified in s. 11.01 (16) (a) 3., a report containing the information specified in s. 11.06 (1) with respect to any obligation to make a disbursement incurred or any disbursement made for the purpose of making such a communication prior to registration.

SECTION 3. 11.06 (2) of the statutes is amended to read:

11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate or by a committee or group which is not primarily organized for political purposes, and the disbursement does not constitute a contribution to any candidate

BILL

1 or other individual, committee, or group, and the disbursement is not made or the
 2 obligation is not incurred for the purpose of making a ^{mass} communication specified in s.
 3 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only if the
 4 purpose is to expressly advocate the election or defeat of a clearly identified
 5 candidate or the adoption or rejection of a referendum. The exemption provided by
 6 this subsection shall in no case be construed to apply to a political party, legislative
 7 campaign, personal campaign or support committee.

SECTION 4. Initial applicability.

8
 9 (1) The treatment of section 11.01 (16) (a) 3. of the statutes first applies with
 10 respect to reporting periods which begin on or after the effective date of this
 11 subsection.

(END)

(12v), (12w), (13), (14), and

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2118/2ins
JTK.....

INS 2-1:

^(12v)
SECTION 1. 11.01 ^(4m) of the statutes is created to read:

^(12v) ^{Mass} 11.01 ^(4m) "Communication" means a message that is disseminated by means of one or more communications media, a mass electronic communication, a mass distribution, or a mass telephoning, but not including a poll conducted for the purpose of objectively identifying or collecting data concerning the attitudes or preferences of electors. ^c

[^]
SECTION 2. 11.01 (12w) of the statutes is created to read:

11.01 (12w) "Mass distribution" means the distribution of 50 or more pieces of substantially identical material.

[^]
SECTION 3. 11.01 (13) of the statutes is created to read:

11.01 (13) "Mass electronic communication" means the transmission of 50 or more pieces of substantially identical material by means of electronic mail or facsimile transmission.

[^]
SECTION 4. 11.01 (14) of the statutes is created to read:

11.01 (14) "Mass telephoning" means the making of 50 or more telephone calls conveying a substantially identical message.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2118/2dn
JTK.....

Representative Mason:

This redraft, which is based upon SB-77, broadens the scope of that draft to include mass distributions (whether mailed or delivered by other means) and mass electronic communications. Although we did not discuss it specifically, this draft also covers mass faxes and mass telephone communications. In examining some past drafting we have done, I found that these items were covered and it seemed from our conversation that you wanted the scope of coverage to be as broad as reasonably possible. With respect to live telephoning, the draft is designed to include so-called "push polling" in which the caller asks questions that suggest a particular answer (covered by the draft) from objective polling, such as that done for the news media, in which the caller is seeking an accurate reflection of voter sentiment (not covered by the draft).

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2118/2dn
JTK:cjs:nwn

March 2, 2007

Representative Mason:

This redraft, which is based upon SB-77, broadens the scope of that draft to include mass distributions (whether mailed or delivered by other means) and mass electronic communications. Although we did not discuss it specifically, this draft also covers mass faxes and mass telephone communications. In examining some past drafting we have done, I found that these items were covered and it seemed from our conversation that you wanted the scope of coverage to be as broad as reasonably possible. With respect to live telephoning, the draft is designed to include so-called "push polling" in which the caller asks questions that suggest a particular answer (covered by the draft) from objective polling, such as that done for the news media, in which the caller is seeking an accurate reflection of voter sentiment (not covered by the draft).

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2118/2 ³

JTK:cjs: ~~nwb~~

Wanted Wed 3/28 10AM

strays

2007 BILL

SAV

Peggy Cat

1 **AN ACT to amend** 11.06 (2); and **to create** 11.01 (12v), 11.01 (12w), 11.01 (13),
2 11.01 (14), 11.01 (16) (a) 3. and 11.05 (3) (s) of the statutes; **relating to:** the
3 scope of regulated activity under the campaign finance law.

Analysis by the Legislative Reference Bureau

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election and by means of one or more communications media a mass distribution, a mass electronic communication, or a mass telephoning, makes any mass communication which includes a reference to a candidate for state office at that election, a state office to be filled at that election, or a political party. The bill also requires an individual or organization who or which becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the

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BILL

communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

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

1 **SECTION 1.** 11.01 (12v) of the statutes is created to read:

2 11.01 (12v) "Mass communication" means a message that is disseminated by
3 means of one or more communications media, a mass electronic communication, a
4 mass distribution, or a mass telephoning, but not including a ^{bona fide} poll conducted for the
5 purpose of objectively identifying or collecting data concerning the attitudes or
6 preferences of electors.

7 **SECTION 2.** 11.01 (12w) of the statutes is created to read:

8 11.01 (12w) "Mass distribution" means the distribution of 50 or more pieces of
9 substantially identical material.

10 **SECTION 3.** 11.01 (13) of the statutes is created to read:

11 11.01 (13) "Mass electronic communication" means the transmission of 50 or
12 more pieces of substantially identical material by means of electronic mail or
13 facsimile transmission.

14 **SECTION 4.** 11.01 (14) of the statutes is created to read:

15 11.01 (14) "Mass telephoning" means the making of 50 or more telephone calls
16 conveying a substantially identical message.

17 **SECTION 5.** 11.01 (16) (a) 3. of the statutes is created to read:

BILL

1 11.01 (16) (a) 3. A mass communication, other than a communication that is
2 exempt from reporting under s. 11.29, that is made during the period beginning on
3 the 60th day preceding an election and ending on the date of that election, and that
4 includes a reference to a candidate for state office whose name is certified under s.
5 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that election, a reference to a state
6 office to be filled at that election, or a reference to a political party.

7 **SECTION 6.** 11.05 (3) (s) of the statutes is created to read:

8 11.05 (3) (s) In the case of a registrant that has made a mass communication
9 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
10 11.06 (1) with respect to any obligation to make a disbursement incurred or any
11 disbursement made for the purpose of making such a communication prior to
12 registration.

13 **SECTION 7.** 11.06 (2) of the statutes is amended to read:

14 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
15 sub. (1), if a disbursement is made or obligation incurred by an individual other than
16 a candidate or by a committee or group which is not primarily organized for political
17 purposes, and the disbursement does not constitute a contribution to any candidate
18 or other individual, committee, or group, and the disbursement is not made or the
19 obligation is not incurred for the purpose of making a mass communication specified
20 in s. 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only
21 if the purpose is to expressly advocate the election or defeat of a clearly identified
22 candidate or the adoption or rejection of a referendum. The exemption provided by
23 this subsection shall in no case be construed to apply to a political party, legislative
24 campaign, personal campaign or support committee.

25 **SECTION 8. Initial applicability.**

Parisi, Lori

From: Rep.Mason
Sent: Wednesday, March 28, 2007 3:55 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2118/3 Topic: Scope of campaign finance regulation

Please Jacket LRB 07-2118/3 for the ASSEMBLY.