

## 2007 DRAFTING REQUEST

### Assembly Joint Resolution

Received: 04/24/2007

Received By: smiller

Wanted: As time permits

Identical to LRB:

For: Gary Sherman (608) 266-7690

By/Representing: Judy Kelly

This file may be shown to any legislator: NO

Drafter: smiller

May Contact:

Add. Drafters:

Subject: Memorials - to Congress

Extra Copies:

Submit via email: YES

Requester's email: Rep.Sherman@legis.wisconsin.gov

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Initiate amendment to US Constitution for state regulation of campaign finance

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#### Instructions:

See Attached

---

#### 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>
/?	smiller 05/09/2007	wjackson 05/12/2007		_____			
/1	smiller 05/15/2007	wjackson 05/15/2007	jfrantze 05/14/2007	_____	sbasford 05/14/2007		
/2			nmatzke 05/15/2007	_____	cduerst 05/15/2007	cduerst 06/27/2007	

FE Sent For: *Woe*

<END>

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/?	smiller 05/09/2007	wjackson 05/12/2007					
/1		1/2 Wlj 5/15	jfrantze 05/14/2007		sbasford 05/14/2007		

FE Sent For:

nwn  
5/15  
nwn/pg  
5/15

<END>

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/?	smiller	/1 WLj 5/12	Jb 3/14	Jb 3/14	PG		

FE Sent For:

<END>

**Miller, Steve**

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**From:** Duerst, Christina  
**Sent:** Tuesday, April 24, 2007 4:51 PM  
**To:** Miller, Steve  
**Subject:** FW: Drafting request

---

**From:** Kelly, Judy  
**Sent:** Tuesday, April 24, 2007 4:49 PM  
**To:** LRB.Legal  
**Cc:** Tribys, Eleanora  
**Subject:** Drafting request

Rep. Sherman would like a draft for a resolution to initiate an amendment to the U.S. Constitution as expressed below by him. The intent is to be as brief and as inclusive as possible. The language below is not necessarily exact.

Thank you.  
Judy Kelly  
Legislative Aide to  
Rep. Gary Sherman

*6-7690*

"Notwithstanding any other provision of this Constitution or any Amendment thereto in effect on the date of ratification of this Amendment, Congress and any State may enact reasonable laws and regulations regarding the financing of political campaigns, including both the financing of candidate campaigns and actions by third parties independent from candidate campaigns."

*Gary Sherman*

**Miller, Steve**

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**From:** Kelly, Judy  
**Sent:** Tuesday, May 08, 2007 3:49 PM  
**To:** Miller, Steve  
**Subject:** FW: Question on resolution memorializing Congress regarding campaign finance

---

**From:** Sherman, Gary  
**Sent:** Tuesday, May 08, 2007 3:43 PM  
**To:** Kelly, Judy  
**Cc:** Tribys, Eleanora  
**Subject:** RE: Question on resolution memorializing Congress regarding campaign finance

How about:

Whereas, Article IV, Section 4 of the United States Constitution provides in part that "The United States shall guarantee to every State in this Union a Republican Form of Government," and

Whereas, the expenditure of unlimited amounts of undisclosed money by special interests to influence campaigns endangers the continued viability and validity of a Republican Form of Government, and

Whereas, recent Judicial interpretation of Amendment I [1791] of the United States Constitution limits the ability of State and Federal governments to fulfill the guarantee of Article IV, Section 4 of the United States Constitution by regulating the financing of campaigns,

Therefore, pursuant to Article V of the United States Constitution, application is hereby made by the Legislature of the State of Wisconsin that the United States Constitution be amended, as follows:

G

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**From:** Kelly, Judy  
**Sent:** Tuesday, May 08, 2007 1:37 PM  
**To:** Sherman, Gary  
**Subject:** FW: Question on resolution memorializing Congress regarding campaign finance

---

**From:** Miller, Steve  
**Sent:** Tuesday, May 08, 2007 1:36 PM  
**To:** Kelly, Judy  
**Subject:** Question on resolution memorializing Congress regarding campaign finance

Judy,

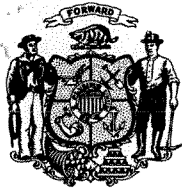
Please forward this to Representative Sherman.

A joint resolution to initiate an amendment to the U.S. Constitution would normally lay the predicate in various "whereas" clauses.

Your drafting instructions say to be as brief as possible, but I assume that means the language of the amendment, not the resolution. Please advise if you would like to include "whereas" clauses to lay a predicate for the resolution, and if so, what is the essence of the argument?

Steve Miller  
267-2175





~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
**2007 ASSEMBLY JOINT RESOLUTION**

Today  
please

DN

1 **Relating to:** memorializing Congress to amend the United States Constitution to  
2 authorize states to regulate campaign finance.

3 Whereas, ~~Article IV, Section 4~~<sup>3</sup> of the United States Constitution provides in  
4 part that ~~"The United States shall guarantee to every State in this Union a~~  
5 ~~Republican Form of Government"~~ and

6 Whereas, the expenditure of unlimited amounts of undisclosed money by  
7 special interests to influence campaigns endangers the continued viability of a  
8 republican form of government; and

9 Whereas, recent judicial interpretation of the First Amendment of the United  
10 States Constitution limits the ability of state and federal governments to fulfill the  
11 guarantee of ~~Article IV, Section 4~~<sup>3</sup> of the United States Constitution by regulating the  
12 financing of political campaigns; now, therefore, be it

13 **Resolved by the assembly, the senate concurring, That**<sup>g</sup> the legislature of  
14 the state of Wisconsin calls on Congress to initiate an amendment to the United

1 States Constitution to authorize Congress and the states to regulate by law the  
2 financing of political campaigns, including financing of candidate campaigns and  
3 actions by third parties independent of the candidate campaigns.

4 (END)

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

LRB-2569/?dn  
SRM:.....

WJ

Representative Sherman:

I consulted with Jeff Kuesel, who drafts in the area of campaign finance, and he suggested broadening the proposal to allow Congress to regulate in the area as well as the states.

Stephen R. Miller  
Chief  
Phone: (608) 267-2175  
E-mail: [steve.miller@legis.wisconsin.gov](mailto:steve.miller@legis.wisconsin.gov)

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

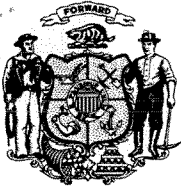
LRB-2569/1dn  
SRM:wlj:jf

May 14, 2007

Representative Sherman:

I consulted with Jeff Kuesel, who drafts in the area of campaign finance, and he suggested broadening the proposal to allow Congress to regulate in the area as well as the states.

Stephen R. Miller  
Chief  
Phone: (608) 267-2175  
E-mail: [steve.miller@legis.wisconsin.gov](mailto:steve.miller@legis.wisconsin.gov)



## 2007 ASSEMBLY JOINT RESOLUTION

1     **Relating to:** memorializing Congress to amend the United States Constitution to  
2             authorize states to regulate campaign finance.

3             Whereas, article IV, section 4, of the United States Constitution provides in part  
4     that "the United States shall guarantee to every State in this Union a Republican  
5     Form of Government"; and

6             Whereas, the expenditure of unlimited amounts of undisclosed money by  
7     special interests to influence campaigns endangers the continued viability of a  
8     republican form of government; and

9             Whereas, recent judicial interpretation of the First Amendment of the United  
10    States Constitution limits the ability of state and federal governments to fulfill the  
11    guarantee of article IV, section 4, of the United States Constitution by regulating the  
12    financing of political campaigns; now, therefore, be it

13            *Resolved by the assembly, the senate concurring, That* the legislature of  
14    the state of Wisconsin calls on Congress to initiate an amendment to the United  
15    States Constitution to authorize Congress and the states to regulate by law the

1 financing of political campaigns, including financing of candidate campaigns and  
2 actions by third parties independent of the candidate campaigns.

3 (END)

2569/2

**Miller, Steve**

---

**From:** Sherman, Gary  
**Sent:** Tuesday, May 15, 2007 1:30 PM  
**To:** Miller, Steve  
**Cc:** Tribys, Eleanora; Kelly, Judy  
**Subject:** RE: Submitted: LRB 07-2569/1 Topic: Initiate amendment to US Constitution for state regulation of campaign finance?body=

Sounds good, thanks.

Gary

---

**From:** Miller, Steve  
**Sent:** Tuesday, May 15, 2007 1:16 PM  
**To:** Sherman, Gary  
**Subject:** RE: Submitted: LRB 07-2569/1 Topic: Initiate amendment to US Constitution for state regulation of campaign finance?body=

No, the Assembly rule has not been amended, so memorializing is not allowed.

I will draft the AJR to initiate a constitutional amendment pursuant to Article V. The problem is that that procedure seems to contemplate initiating a full scale constitutional convention, but I will draft it narrowly to avoid that.

---

**From:** Sherman, Gary  
**Sent:** Tuesday, May 15, 2007 12:48 PM  
**To:** Miller, Steve  
**Cc:** Tribys, Eleanora; Kelly, Judy  
**Subject:** RE: Submitted: LRB 07-2569/1 Topic: Initiate amendment to US Constitution for state regulation of campaign finance?body=

I know that we have altered the rule from last year about memorializing congress in our house, but I am not sure if we can do so on this topic. If you would check the Assembly rules and find that we can memorialize congress on this, then by all means draft in the alternative.

Gary

---

**From:** Miller, Steve  
**Sent:** Tuesday, May 15, 2007 10:38 AM  
**To:** Sherman, Gary  
**Subject:** RE: Submitted: LRB 07-2569/1 Topic: Initiate amendment to US Constitution for state regulation of campaign finance?body=

Rep. Sherman:

I apologize for missing that. I'll redraft it right away. The last example that I can find contained the initiation language and in the alternative, memorialized Congress. I can draft it either as a simple initiation, or with the memorializing added as an alternative. Do you have a preference?

Steve Miller

---

**From:** Sherman, Gary  
**Sent:** Monday, May 14, 2007 6:43 PM  
**To:** Miller, Steve  
**Cc:** Tribys, Eleanora; Kelly, Judy  
**Subject:** Submitted: LRB 07-2569/1 Topic: Initiate amendment to US Constitution for state regulation of campaign finance?body=

I don't think we are memorializing Congress. I think we are initiating amendment directly, as provided in the US Constitution. I cited the provision to you when last I wrote. Did I miss something?



RMNR

12

↑  
stays

## 2007 ASSEMBLY JOINT RESOLUTION

Wednesday  
please

1 **Relating to:** requesting appropriate action by the congress, upon the application of  
 2 the legislatures of two-thirds of the several states, <sup>to call</sup> ~~calling~~ a constitutional  
 3 convention to propose an amendment to the federal constitution to amend the  
 4 United States Constitution to authorize Congress and the states to regulate  
 5 campaign finance.

6 Whereas, article IV, section 4, of the United States Constitution provides in part  
 7 that "the United States shall guarantee to every State in this Union a Republican  
 8 Form of Government"; and

9 Whereas, the expenditure of unlimited amounts of undisclosed money by  
 10 special interests to influence campaigns endangers the continued viability of a  
 11 republican form of government; and

12 Whereas, recent judicial interpretation of the First Amendment of the United  
 13 States Constitution limits the ability of state and federal governments to fulfill the  
 14 guarantee of article IV, section 4, of the United States Constitution by regulating the  
 15 financing of political campaigns; now, therefore, be it



1           **Resolved by the assembly, the senate concurring, That** pursuant to Article  
2 V of the United States Constitution, the legislature of the state of Wisconsin makes  
3 application and requests that the Congress of the United States call a constitutional  
4 convention for the specific and exclusive purpose of proposing an amendment to the  
5 federal constitution to authorize Congress and the states to regulate by law the  
6 financing of political campaigns, including the financing of candidate campaigns and  
7 actions by third parties independent of the candidate campaigns and, be it further

8           **Resolved, That** the legislature of the state of Wisconsin also proposes that the  
9 legislatures of each of the several states comprising the United States apply to the  
10 congress requesting the enactment of an appropriate amendment to the federal  
11 constitution or requiring <sup>or</sup> the congress to call a constitutional convention for  
12 proposing such an amendment to the federal constitution; and, be it further

13           **Resolved, That** a duly attested copy of this joint resolution be immediately  
14 transmitted to the president and <sup>the</sup> secretary of the senate of the United States, to the  
15 speaker and <sup>the</sup> clerk of the house of representatives of the United States, to the office  
16 of the federal register, to the library of congress, to each member of the congressional  
17 delegation from this state, to the national conference of state legislatures, to the  
18 council of state governments, and to the presiding officer of each house of each state  
19 legislature in the United States, attesting the adoption of this joint resolution by the  
20 <sup>2007</sup> ~~1995~~ legislature of the state of Wisconsin.

21

(END)

**Barman, Mike**

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**From:** Kelly, Judy  
**Sent:** Wednesday, May 16, 2007 9:14 AM  
**To:** Barman, Mike  
**Subject:** LRB2569/2

Hi Mike,

Could I please have an electronic copy of the above. Thank you.

Judy Kelly  
Legislative Aide to  
Rep. Gary Sherman

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Wednesday, May 16, 2007 9:32 AM  
**To:** Rep.Sherman  
**Cc:** Kelly, Judy  
**Subject:** LRB 07-2569/2 (un-introduced) (attached - requested by Judy)

**Attachments:** 07-2569/2



07-25692.pdf (14  
KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

## Duerst, Christina

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**From:** Miller, Steve  
**Sent:** Wednesday, June 27, 2007 4:33 PM  
**To:** Duerst, Christina  
**Subject:** FW: LRB2569/2

---

**From:** Kelly, Judy  
**Sent:** Wednesday, June 27, 2007 4:33 PM  
**To:** Miller, Steve  
**Subject:** RE: LRB2569/2

Then I am. Thanks.

---

**From:** Miller, Steve  
**Sent:** Wednesday, June 27, 2007 4:32 PM  
**To:** Kelly, Judy  
**Subject:** RE: LRB2569/2

You can.

---

**From:** Kelly, Judy  
**Sent:** Wednesday, June 27, 2007 4:31 PM  
**To:** Miller, Steve  
**Subject:** RE: LRB2569/2

Do I have to have Gary request that or can I?

---

**From:** Miller, Steve  
**Sent:** Wednesday, June 27, 2007 4:31 PM  
**To:** Kelly, Judy  
**Subject:** RE: LRB2569/2

No, it has not been jacketed.

---

**From:** Kelly, Judy  
**Sent:** Wednesday, June 27, 2007 4:28 PM  
**To:** Miller, Steve  
**Subject:** LRB2569/2

Steve, Could you please tell me if this bill was jacketed? Thanks.

Judy Kelly  
Legislative Aide to  
Rep. Gary Sherman