

2007 DRAFTING REQUEST

Bill

Received: 02/01/2007

Received By: jkuesel

Wanted: Soon

Identical to LRB:

For: Jon Erpenbach (608) 266-6670

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: Sen.Erpenbach@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Scope of campaign finance regulation

Instructions:

Per 07 SB-12. Segregate portion that relates to disclosure by individuals and committees who make mass communications within 60 days of an election relating to a candidate, office or political party.

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 02/01/2007	csicilia 02/01/2007		_____			
/1			jfrantze 02/01/2007	_____	sbasford 02/01/2007	sbasford 02/06/2007	

FE Sent For:

<END>

↳ Not Needed

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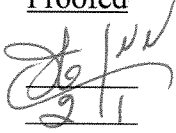
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1?/1	jkuesel J Kuesel 2/1/07	↑ cis 2/1/07	Jb gk				

FE Sent For:

<END>

Date (time) needed

LD NOTE
Fri 2/2 8:30AM

LRB - 1773, 1

JTK : js :

BILL

SAK
2-2-06

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** the scope of regulated activity under the campaign finance law.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create → anal: → title: → head**

For the subheading, execute: **create → anal: → title: → sub**

For the sub-subheading, execute: **create → anal: → title: → sub-**

For the analysis text, in the component bar:

For the text paragraph, execute: **create → anal: → text**

Identical drafts (except for LRB #'s, ~~and~~ and d-note addressees)

attached

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

SECTION #.

attached

SENATE BILL 12

calendar year with respect to an election for state office, and does not accept contributions, other than contributions made by a candidate to his or her own campaign, exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations independently of any candidate with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

Mass media activities

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

Special reporting by certain registrants

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 14th day prior to the primary or election. Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the Elections Board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

This bill requires each candidate at the general or a special election for a major state office (the office of governor, lieutenant governor, attorney general, secretary

a state

for state office

and restrictions

the cost of

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

SENATE BILL 12

1 manner required under s. 11.21 (16), if applicable. The appointed candidate shall
2 include any transferred funds moneys in his or her first report.

3 SECTION 7. 11.001 (2m) of the statutes is created to read:

4 11.001 (2m) The legislature finds a compelling justification for minimal
5 disclosure of all communications made near the time of an election that include a
6 reference to a clearly identified candidate at that election, an office to be filled at that
7 election, or a political party in order to permit increased funding for candidates who
8 are affected by those communications. The legislature finds that this minimal
9 disclosure burden is outweighed by the need to establish an effective funding
10 mechanism for affected candidates to effectively respond to communications that
11 may impact an election.

12 SECTION 8. 11.01 (12s) of the statutes is repealed.

13 SECTION 9. 11.01 (16) (a) 3. of the statutes is created to read:

14 11.01 (16) (a) 3. A communication that is made by means of one or more
15 communications media, other than a communication that is exempt from reporting
16 under s. 11.29, that is made during the period beginning on the 60th day preceding
17 an election and ending on the date of that election, and that includes a reference to
18 a candidate ^{for state office} whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
19 the ballot at that election, ^{appearing on such a certification} a reference to ^a office to be filled at that election, or a
20 reference to a political party. ^{of a state}

21 SECTION 10. 11.01 (17g) and (17r) of the statutes are repealed.

22 SECTION 11. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
23 to read:

24 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
25 a personal campaign committee, and every political group subject to a registration

SENATE BILL 12**SECTION 16**

1 **SECTION 16.** 11.05 (3) (c) of the statutes is amended to read:

2 11.05 (3) (c) In the case of a committee, a statement as to whether the
3 committee is a personal campaign committee, a political party committee, ~~a~~
4 ~~legislative campaign committee,~~ a support committee, or a special interest
5 committee.

6 **SECTION 17.** 11.05 (3) (m) of the statutes is created to read:

7 11.05 (3) (m) In the case of a personal campaign committee, the name of the
8 candidate on whose behalf the committee was formed or intends to operate and the
9 office or offices that the candidate seeks.

10 **SECTION 18.** 11.05 (3) (o) of the statutes is repealed.

11 **SECTION 19.** 11.05 (3) (r) of the statutes is created to read:

12 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
13 candidate, the telephone number or numbers and a facsimile transmission number
14 or electronic mail address, if any, at which the candidate may be contacted.

15 **SECTION 20.** 11.05 (3) (s) of the statutes is created to read:

16 11.05 (3) (s) In the case of a registrant that has made a communication
17 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
18 11.06 (1) with respect to any obligation to make a disbursement incurred or any
19 disbursement made for the purpose of making such a communication prior to
20 registration.

21 **SECTION 21.** 11.05 (5) of the statutes is amended to read:

22 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
23 submitted in a statement of registration shall be reported by the registrant to the
24 appropriate filing officer within 10 days following the change. This period does not
25 apply in case of change of an indication made under sub. (2r) s. 11.06 (2m), which

SENATE BILL 12

1 11.06 (1) ~~CONTENTS OF REPORT.~~ (intro.) Except as provided in subs. (2), (3) and
 2 (3m) and ss. 11.05 (2r) and (2m) and s. 11.19 (2), each registrant under s. 11.05 shall
 3 make full reports, upon a form prescribed by the board and signed by the appropriate
 4 individual under sub. (5), of all contributions received, contributions or
 5 disbursements made, and obligations incurred. Each report shall contain the
 6 following information, covering the period since the last date covered on the previous
 7 report, unless otherwise provided:

8 **SECTION 29.** 11.06 (1) (e) of the statutes is amended to read:

9 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
 10 source donated to a charitable organization or to the common school fund, with the
 11 full name and mailing address of the donee, and a statement of contributions over
 12 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

13 **SECTION 30.** 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 communication specified in s.
 20 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only if the
 21 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 31.** 11.06 (2m) (title) of the statutes is created to read:

restored
 ↑
 plain

↑
 plain

ASSEMBLY BILL 65

SECTION 7

1 of the statutes by this act, or any part of the laws specified in 2001 Wisconsin Act 109,
2 section 9115 (2y) (b), is unconstitutional, the repeal and recreation of sections 11.06
3 (1) (intro.) and (3) (b) (intro.) and 11.12 (4) of the statutes by this act is void.

4 **SECTION 8. Initial applicability.**

5 (1) *The treatment of Section 11.01 (1e) (a) 3. of the statutes*
~~This act~~ first applies with respect to reporting periods which begin on or
6 after the effective date of this subsection.

7 (END)

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

LRB-1773/1dn

JTK:.....

g
ejs

Senator

Erpenbach:
De

In reexamining the language of SB-12, I noted that the scope of reportable activity is defined with reference to candidate certifications under ss. 7.08 (2) (a) and 8.50 (1) (d), stats. Since national campaigns are exempt from state regulation under state and federal law, these certifications primarily relate to candidates for state offices. I think the intent of SB-12 and its predecessors has been to cover communications relating to candidates for state offices so this draft now expressly so provides. Please let me know if you have any question regarding this matter.

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

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LRB-1773/1dn
JTK:cjs:jf

February 1, 2007

Senator Erpenbach:

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Managing Attorney
Phone: (608) 266-6778

Basford, Sarah

From: Ross, Scot
Sent: Tuesday, February 06, 2007 9:23 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-1773/1 Topic: Scope of campaign finance regulation

Please Jacket LRB 07-1773/1 for the SENATE.