

2009 DRAFTING REQUEST

Bill

Received: 10/01/2008

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise Solie**

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.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Contributions to state elective officials and committees restricted

Instructions:

Per 07 AB-61 + AA 1 and AA 2.

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 10/24/2008	nmatzke 11/04/2008		_____			Crime
/1			rschluet 11/05/2008	_____	lparisi 11/05/2008		Crime
/2	jkuesel 01/14/2009	nmatzke 01/14/2009	jfrantze 01/14/2009	_____	mbarman 01/14/2009	sbasford 01/22/2009	

FE Sent For: *none needed*

<END>

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/?	jkuesel 10/24/2008	nmatzke 11/04/2008		_____			Crime
/1	jkuesel 10/14/09	1/2 nwn 1/14		rschluet 11/05/2008		lparisi 11/05/2008	

FE Sent For:


 1/14

 11/14
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NOTE

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1/1	jkuesel 10/29/08	1 nwn 10/27 11/5 F 11/4					
FE Sent For:							
<END>							

Kuesel, Jeffery

From: Solie, Denise
Sent: Wednesday, October 01, 2008 8:22 AM
To: Kuesel, Jeffery
Subject: 2009 drafting request - campaign donations

Please re-draft 2007 AB 61, as amended by Assembly Amendments 1 and 2, for introduction in 2009.

Feel free to call or email if you have any questions.

Thank you.

Denise Solie
Rep. Mark Gottlieb
608.267.2370

Drove
2009

2007 ASSEMBLY BILL 61

SA07
X-ref

February 13, 2007 - Introduced by Representatives GOTTLIEB, ALBERS, TRAVIS, BIES, BLACK, HAHN, JESKEWITZ, A. OTT, POCAN, TOWNSEND, VAN ROY and M. WILLIAMS, cosponsored by Senators HARSDOFF, LEHMAN, COWLES, A. LASEE, LEIBHAM and OLSEN. Referred to Committee on Elections and Constitutional Law.

Regen

1 AN ACT *to create* 11.24 (4) and 11.60 (3p) of the statutes; **relating to:** acceptance
2 of certain political contributions by certain elective state officials and
3 committees. *and providing a penalty*

Analysis by the Legislative Reference Bureau

This The bill prohibits any incumbent partisan elective state official *including the governor and lieutenant governor* for his or her personal campaign or authorized support committee from accepting any political contribution for the purpose of promoting his or her nomination or reelection to the office held by the official during the period from the first Monday in January of each odd-numbered year through the date of enactment of the biennial budget act. The prohibition does not apply to contributions accepted by an incumbent official who is subject to a recall election or by the official's personal campaign or authorized support committee from the date on which the petition for a recall election is filed until the date of the recall election. *INS B*

Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

INS
A

ASSEMBLY BILL 61

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

SECTION 1. 11.24 (4) of the statutes is created to read:

11.24 (4) (a) No incumbent partisan state elective official or personal campaign committee or support committee authorized under s. 11.05 (3) (p) of such an official may accept any contribution for the purpose of promoting that official's nomination or reelection to the office held by the official during the period beginning on the first Monday of January in each odd-numbered year and ending on the date of enactment of the biennial budget act.

(b) Notwithstanding par. (a), an incumbent partisan state elective official against whom a recall petition has been filed or personal campaign or authorized support committee of such an official may accept a contribution during the period beginning on the date on which the petition is filed under s. 9.10 (3) (b) and ending on the date of the recall election or the date on which the official resigns if the official resigns at an earlier date under s. 9.10 (3) (c).

SECTION 2. 11.60 (3p) of the statutes is created to read:

11.60 (3p) Notwithstanding sub. (1), any elective state official or personal campaign or authorized support committee of such an official who accepts a contribution in violation of s. 11.24 (4) shall forfeit treble the amount of the contribution.

(END)

0-note

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including the governor and lieutenant governors and no

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official elects
or official elect

**ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 61**

January 7, 2008 - Offered by Representative GOTTLIEB.

(d)

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 13: after that line insert:

3 **(c)** No legislative campaign committee may accept any contribution during the
4 period beginning on the first Monday of January in each odd-numbered year and
5 ending on the date of enactment of the biennial budget act.

2-13

6 **2.** Page 2, line 17: after "(4)" insert "and ^{or} any legislative campaign committee
7 that accepts a contribution in violation of s. 11.24 (4)".

FWS
2-17
8

(END)

**ASSEMBLY AMENDMENT 2,
TO 2007 ASSEMBLY BILL 61**

January 7, 2008 – Offered by Representative GOTTLIEB.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “officials” insert “, officials elect,”.

3 **2.** Page 2, line 2: delete “or” and substitute “, including the governor and
4 lieutenant governor, and no”.

5 **3.** Page 2, line 7: after that line insert:

6 “(b) No individual who is serving as governor or lieutenant governor, no
7 individual who has been elected to the office of governor or lieutenant governor but
8 has not yet taken office, and no personal campaign committee or support committee
9 authorized under s. 11.05[✓] (3) (p) of any such individual may accept any contribution
10 for the purpose of promoting that individual’s nomination to or reelection to the office
11 ~~held by~~^{that} the individual ^{holds or to which the individual has been elected} beginning on the day after the date of the general election and
12 ending on the succeeding first Monday in January. For purposes of this paragraph,
13 the legal counsel to the board shall determine, on the basis of media reports, if it is

*fws
2-7*



1 generally acknowledged that an individual has been elected to the office of governor
2 or lieutenant governor, and shall inform in writing any individual whom the legal
3 counsel determines to have been so elected as soon as the legal counsel makes such
4 a determination. In making his or her determination, the legal counsel is bound by
5 the certification of the chairperson of the board or his or her designee if the
6 certification has been issued."

- 7 **4.** Page 2, line 8: delete "(b)" and substitute "(c)".
- 8 **5.** Page 2, line 15: after "official" insert ", official elect,".
- 9 **6.** Page 2, line 16: after "official" insert "or official elect".

10 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0477/1ins
JTK.....

INS A:

NG 13 The bill also prohibits an incumbent governor or lieutenant governor, or an individual who has been elected to either of those offices but who has not taken office, or his or her personal campaign or authorized support committee, from accepting any political contribution for the purpose of promoting his or her nomination or reelection to the office that the individual holds or to which the individual has been elected during the period from the day after the date of the general election through the succeeding first Monday in January. *NO #*

INS B:

NUP In addition, the bill prohibits a legislative campaign committee from accepting any political contribution during the period from the first Monday in January of each odd-numbered year through the date of enactment of the biennial budget act.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0477/1dn

JTK@...:....

e nwn+ kgf

Date



Representative Gottlieb:

> In some other versions of this proposal that have been introduced in recent sessions, we have dealt with one additional contingency \Rightarrow we have provided that if there is more than one biennial budget bill (which is possible under s. 16.45, stats, but which last occurred in 1981), the closed period for contributions ends upon enactment of the last of those bills. Δ If you would like to cover that contingency, please let me know.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0477/1dn
JTK:nwn&kjfrs

November 5, 2008

Representative Gottlieb:

In some other versions of this proposal that have been introduced in recent sessions, we have dealt with one additional contingency — we have provided that if there is more than one biennial budget bill (which is possible under s. 16.45, stats., but which last occurred in 1981), the closed period for contributions ends upon enactment of the last of those bills. If you would like to cover that contingency, please let me know.

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



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0477/1 ✓

JTK:nwn&kjf:rs

wanted THU 2/15

stays

2009 BILL

SA ✓

Regen.

- 1 AN ACT to create 11.24 (4) and 11.60 (3p) of the statutes; relating to: acceptance
- 2 of certain political contributions by certain elective state officials, officials elect,
- 3 and committees and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits any incumbent partisan elective state official, including the governor and lieutenant governor, or his or her personal campaign or authorized support committee, from accepting any political contribution for the purpose of promoting his or her nomination or reelection to the office held by the official during the period from the first Monday in January of each odd-numbered year through the date of enactment of the biennial budget act. The bill also prohibits an incumbent governor or lieutenant governor, or an individual who has been elected to either of those offices but who has not taken office, or his or her personal campaign or authorized support committee, from accepting any political contribution for the purpose of promoting his or her nomination or reelection to the office that the individual holds or to which the individual has been elected during the period from the day after the date of the general election through the succeeding first Monday in January. The prohibition does not apply to contributions accepted by an incumbent official who is subject to a recall election or by the official's personal campaign or authorized support committee from the date on which the petition for a recall election is filed until the date of the recall election. In addition, the bill prohibits a legislative campaign committee from accepting any political contribution during the period from the first Monday in January of each odd-numbered year through the date of enactment of the biennial budget act.

> January 1 of an

>

January 1 of an

BILL

Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** ^{√^} 11.24 (4) of the statutes is created to read:

2 11.24 (4) (a) No incumbent partisan state elective official, including the
3 governor and lieutenant governor, and no personal campaign committee or support
4 committee authorized under s. 11.05 (3) (p) of such an official may accept any
5 contribution for the purpose of promoting that official's nomination or reelection to
6 the office held by the official during the period beginning on ~~the first Monday of~~ ^{January} of an
7 ~~January in each~~ odd-numbered year and ending on the date of enactment of the
8 biennial budget act.

9 (b) No individual who is serving as governor or lieutenant governor, no
10 individual who has been elected to the office of governor or lieutenant governor but
11 has not yet taken office, and no personal campaign committee or support committee
12 authorized under s. 11.05 (3) (p) of any such individual may accept any contribution
13 for the purpose of promoting that individual's nomination to or reelection to the office
14 that the individual holds or to which the individual has been elected beginning on
15 the day after the date of the general election and ending on the succeeding first
16 Monday in January. For purposes of this paragraph, the legal counsel to the board
17 shall determine, on the basis of media reports, if it is generally acknowledged that
18 an individual has been elected to the office of governor or lieutenant governor, and

BILL

1 shall inform in writing any individual whom the legal counsel determines to have
2 been so elected as soon as the legal counsel makes such a determination. In making
3 his or her determination, the legal counsel is bound by the certification of the
4 chairperson of the board or his or her designee if the certification has been issued.

5 (c) Notwithstanding par. (a), an incumbent partisan state elective official
6 against whom a recall petition has been filed or the personal campaign or authorized
7 support committee of such an official may accept a contribution during the period
8 beginning on the date on which the petition is filed under s. 9.10 (3) (b) and ending
9 on the date of the recall election or the date on which the official resigns if the official
10 resigns at an earlier date under s. 9.10 (3) (c).

11 (d) No legislative campaign committee may accept any contribution during the
12 period beginning on ~~the first Monday of January in each~~ ^{January 1 of an} odd-numbered year and
13 ending on the date of enactment of the biennial budget act.

14 **SECTION 2.** 11.60 (3p) of the statutes is created to read:

15 11.60 (3p) Notwithstanding sub. (1), any elective state official, official elect, or
16 personal campaign or authorized support committee of any such official or official
17 elect who accepts a contribution in violation of s. 11.24 (4) or any legislative campaign
18 committee that accepts a contribution in violation of s. 11.24 (4) shall forfeit treble
19 the amount of the contribution.

20 (END)

TWS
3-13

INS 3-13

**SENATE AMENDMENT 1,
TO 2007 SENATE BILL 25**

February 29, 2008 – Offered by COMMITTEE ON CAMPAIGN FINANCE REFORM, RURAL ISSUES AND INFORMATION TECHNOLOGY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 5: delete the material beginning with “the first” and ending with
3 “each” on line 6 and substitute “January 1 of an”.

4 **2.** Page 2, line 7: after that line insert:

5 ^(e)
6 ~~(am)~~ If in any year there is more than one executive budget bill under s. 16.47
7 (1m), the period under ^{par. (a) and (d)} par. (a) ends on the date of enactment of the last such bill.

(END)

Basford, Sarah

From: Nelson, W. Scott - Legislature
Sent: Thursday, January 22, 2009 10:48 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-0477/1 Topic: Contributions to state elective officials and committees restricted

Please Jacket LRB 09-0477/1 for the ASSEMBLY.