

2009 DRAFTING REQUEST

Bill

Received: **01/16/2009**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Cynthia Kieper**

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.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Campaign contributions from state contractors, debtors and grantees

Instructions:

Per attached E mail, 1/13/09.

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 03/30/2009	nmatzke 03/30/2009		_____			
/1			pherry 03/31/2009	_____	sbasford 03/31/2009		
/2	jkuesel 04/23/2009	nmatzke 04/27/2009	rschluet 04/27/2009	_____	lparisi 04/27/2009	sbasford 04/28/2009	

FE Sent For:

none

<END>

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1/2	jkuesel 4/23/09		phenry 03/31/2009	_____	sbasford 03/31/2009		

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MD
PH
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4/27

(DNOTE)

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1/1	jkuesel 3/30/09	1 nmm 3/30	3/31 pk	3/31 pk			

FE Sent For:

<END>

Kuesel, Jeffery

From: Champagne, Rick
Sent: Tuesday, January 13, 2009 3:39 PM
To: Kuesel, Jeffery
Cc: Kieper, Cynthia
Subject: FW: Bill Draft for Representative Schneider

Jeff--here's a drafting request from Rep. Schneider in the campaign finance drafting area.

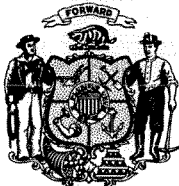
Rick

From: Kieper, Cynthia
Sent: Tuesday, January 13, 2009 3:31 PM
To: Champagne, Rick; Kieper, Cynthia
Subject: Bill Draft for Representative Schneider

Dear Sir;

The Representative would like a bill drafted that that forbids any firm, company or group that obtains a grant, loan or contract from the state of Wisconsin from contributing to the campaign funds of the legislator, senate, Lt. Governor, and Governors office during that term.

Could you please forward to the appropriate drafting attorney?
Cynthia L. Kieper



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1576/2 1

JTK...:|:....

nwn

wanted wed 4/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
X-ref ✓

> AN ACT ^{Gen.} ...; relating to: contributions by state contractors, grantees or loan recipients to certain elective state officials? ✓

Analysis by the Legislative Reference Bureau

This bill prohibits any person (legal entity) other than an individual that enters into a contract with, obtains a grant from, or receives a loan from any state agency from making a political contribution to an incumbent governor or lieutenant governor, or an incumbent state senator or representative to the assembly, during the term of office of the incumbent who is serving at the time that the contract is entered into, the grant is made, or the proceeds of the loan are received. The prohibition also applies to the personal campaign and authorized support committees of such an incumbent.

No similar provision exists currently except that a corporation or cooperative is prohibited from making political contributions in most cases.

Violators of the prohibition created by the bill 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.

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

SECTION 1. 11.386 of the statutes is created to read:

11.386 Contributions by state contractors, grantees, and loan recipients. (1) In this section:

(a) "Agency" has the meaning given under s. 16.70 (1e).[✓]

(b) "Authorized support committee" means a support committee under s. 11.18[✓] that is authorized by a candidate to act on his or her behalf under s. 11.05 (3) (p).[✓]

(2) No person other than an individual that enters into a contract with, obtains a grant from, or receives a loan from, any agency may make a contribution to the governor or lieutenant governor or a state senator or representative to the assembly, or to the personal campaign[✓] or authorized support committee[✓] of such an officer during the term of office of the incumbent who is serving at the time that contract is entered into, the grant is made, or the proceeds of the loan are received.[✓]

(END)

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

LRB-1576/1dn

JTK...:|:...

nwn

Date

Representative Schneider:

You may wish to consider the following issues in connection with this draft:

1. With certain exceptions, current law prohibits a corporation or cooperative from making a direct contribution to a candidate, or implicitly, to an agent of a candidate, for state or local office from the corporate treasury, and also prohibits a candidate, or his or her personal campaign or authorized support committee, from accepting such a contribution. See s. 11.38, stats. This law does not reach some businesses that are not organized as a corporation or a cooperative.
2. This draft does not directly reach the owner(s) of most offending business, who may continue to make contributions from personal funds or property.

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

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

LRB-1576/1dn

JTK:nwn:ph

March 31, 2009

Representative Schneider:

You may wish to consider the following issues in connection with this draft:

1. With certain exceptions, current law prohibits a corporation or cooperative from making a direct contribution to a candidate, or implicitly, to an agent of a candidate, for state or local office from the corporate treasury, and also prohibits a candidate, or his or her personal campaign or authorized support committee, from accepting such a contribution. See s. 11.38, stats. This law does not reach some businesses that are not organized as a corporation or a cooperative.
2. This draft does not directly reach the owner(s) of most offending business, who may continue to make contributions from personal funds or property.

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

Kuesel, Jeffery

From: Dumas, Aaron
Sent: Wednesday, April 08, 2009 3:05 PM
To: Kuesel, Jeffery
Subject: Submitted: LRB 09-1576/1 Topic: Campaign contributions from state contractors, debtors and grantees?body=

Hi Jeffrey,

Thanks for the draft and your note. Rep. Schneider would like a redraft that incorporates the following changes:

1. The office of Attorney General is included in the list of offices affected.
2. Anyone who is an officer of or who owns greater than a 15% share of any of the companies affected is also prohibited from making a campaign contribution.

Could that be done? Let me know if you have any other questions.

Thanks!

Aaron Dumas

Office of Representative Marlin Schneider
72nd Assembly District
Aaron.Dumas@legis.wisconsin.gov
(608) 266-0215 Toll Free 1-888-529-0072
Capitol 204 North
P.O. Box 8953 Madison, WI 53708



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1576/1
JTK:nwn:ph

Tue 4/28

2009 BILL

SA ✓
X-ref ✓

Regen.

1
2

AN ACT to create 11.386 of the statutes; relating to: contributions by state and their officers and substantial owners contractors, grantees, or loan recipients to certain elective state officials.

Analysis by the Legislative Reference Bureau

or attorney general

This bill prohibits any person (legal entity) other than an individual that enters into a contract with, obtains a grant from, or receives a loan from any state agency from making a political contribution to an incumbent governor or lieutenant governor, or an incumbent state senator or representative to the assembly, during the term of office of the incumbent who is serving at the time that the contract is entered into, the grant is made, or the proceeds of the loan are received. The prohibition also applies to the personal campaign and authorized support committees of such an incumbent.

and any individual who is an officer or substantial owner of an entity

No similar provision exists currently except that a corporation or cooperative is prohibited from making political contributions in most cases.

Violators of the prohibition created by the bill 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.

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

3

SECTION 1. 11.386 of the statutes is created to read:

BILL

1 **11.386 Contributions by state contractors, grantees, and loan**
2 **recipients. (1) In this section:**

3 (a) "Agency" has the meaning given under s. 16.70 (1e).

4 (b) "Authorized support committee" means a support committee under s. 11.18
5 that is authorized by a candidate to act on his or her behalf under s. 11.05 (3) (p).

6 (2) No ^{entity} person other than an individual that enters into a contract with, obtains
7 a grant from, or receives a loan from, any agency may make a contribution to the
8 governor ^{or attorney general} or lieutenant governor or a state senator or representative to the assembly,
9 or to the personal campaign or authorized support committee of such an officer
10 during the term of office of the incumbent who is serving at the time that contract
11 is entered into, the grant is made, or the proceeds of the loan are received.

(END)

an officer or a substantial owner of an entity

(c) "Entity" means any person.
(d) "Immediate family" has the meaning given in s. 19.42 (7).
(e) "Substantial owner" means an individual who jointly or severally with the individual's immediate family owns or controls more than 15 percent of the outstanding equity of an entity.

Parisi, Lori

From: Dumas, Aaron
Sent: Tuesday, April 28, 2009 10:11 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1576/2 Topic: Campaign contributions from state contractors, debtors and grantees

Please Jacket LRB 09-1576/2 for the ASSEMBLY.

Thank you!

Aaron Dumas

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72nd Assembly District
Aaron.Dumas@legis.wisconsin.gov
(608) 266-0215 Toll Free 1-888-529-0072
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