

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB494)**

Received: 12/03/2009

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Vicky Selkove**

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:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

ASA to AB-494

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**Instructions:**

Per attached E mail, 12/3/09.

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**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 12/07/2009	jdyer 12/07/2009		_____			
/1			phenry 12/07/2009	_____	lparisi 12/07/2009	lparisi 12/07/2009	
/2	jkuesel 12/08/2009	jdyer 12/08/2009	phenry 12/08/2009	_____	sbasford 12/08/2009	sbasford 12/08/2009	

FE Sent For:

<END>

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/?	jkuesel 12/07/2009	jdye 12/07/2009		_____			
<sup>1</sup> / <sub>2</sub>	jkuesel 12/8/09	12/8/09 jld	phenry 12/07/2009	12/8 PH/TP	lparisi 12/07/2009	lparisi 12/07/2009	

FE Sent For:

<END>

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12/1	jkuesel 12/7/09	12/7 jld	ph	<del>JK</del> JK			

FE Sent For: **<END>**

## Kuesel, Jeffery

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**To:** Selkowe, Vicky  
**Subject:** RE: ASA to AB 494

Vicky,  
I will take care of it. You should have it sometime on Monday.

### **Jeffery Kuesel**

*Managing Attorney*  
*Wisconsin Legislative Reference Bureau*  
*P.O.Box 2037*  
*Madison WI 53701-2037*  
*(608) 266-6778*  
*jeffery.kuesel@legis.state.wi.us*

---

**From:** Selkowe, Vicky  
**Sent:** Thursday, December 03, 2009 1:07 PM  
**To:** Kuesel, Jeffery  
**Subject:** RE: Second Amendment to AB 494

Jeff –  
Thanks for drafting both of these amendments. Rep. Mason would like these both to just be folded into a substitute bill. Can you do that?

Vicky

**Vicky Selkowe**  
**Office of State Representative Cory Mason**  
**62nd Assembly District**  
Room 321 East, State Capitol  
PO Box 8953, Madison, WI 53708  
Phone: (608) 266-0634  
Toll-free: (888) 534-0062

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**From:** Kuesel, Jeffery  
**Sent:** Friday, November 20, 2009 2:06 PM  
**To:** Selkowe, Vicky  
**Subject:** RE: Second Amendment to AB 494

Vicky,  
The proposed rule would be subject to review by the standing committees of each house under current law. If a committee objects to a proposed rule, the Joint Committee for Review of Administrative Rules may review the objection. If we add a review by Joint Finance, should that review come before or after the current review? I assume that if Joint Finance review comes before standing committee review and Joint Finance objects, then the proposed rule would not be reviewed by the standing committees.

I'm not sure that it matters much, but a 14-day review is more common than a 30-day review under current law.

### **Jeffery Kuesel**

*Managing Attorney*  
*Wisconsin Legislative Reference Bureau*  
*P.O.Box 2037*  
*Madison WI 53701-2037*

(608) 266-6778  
jeffery.kuesel@legis.state.wi.us

---

**From:** Selkowe, Vicky  
**Sent:** Friday, November 20, 2009 11:29 AM  
**To:** Kuesel, Jeffery  
**Subject:** Second Amendment to AB 494

Hi Jeffery –

The second amendment Rep. Mason would like to AB 494 is to add a Joint Finance Committee passive review requirement for the rule-making authority in 12-13 where the “board shall specify, by rule, a type of software...” Rep. Mason is flexible as to whether this should be a 14 day or 30 day passive review, whatever is considered most commonly done – I believe it's 30 days?

Thanks,  
Vicky

**Vicky Selkowe**  
**Office of State Representative Cory Mason**  
**62nd Assembly District**  
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State of Wisconsin  
2009 - 2010 LEGISLATURE

wanted Mon 12/7

50202/1  
LRB-32714

JTK:jld:rs

↑ stays

twlj

ASSEMBLY SUBSTITUTE AMEND

To **2009 ASSEMBLY BILL 494**

October 13, 2009 - Introduced by Representatives MASON, VOS, SHERMAN, KESTELL, ROYS, GUNDERSON, BERCEAU, LEMAHIEU, POPE-ROBERTS, A. WILLIAMS, CLARK, TOWNSEND, NERISON, BROOKS, JORGENSEN and GRIGSBY, cosponsored by Senators RISSER, DARLING, HOLPERIN and TAYLOR. Referred to Committee on Elections and Campaign Reform.

(regenerate)

✓

1 AN ACT ~~to amend~~ 11.21 (16) of the statutes; relating to: the methodology for  
2 filing campaign finance reports in electronic format. ✓

**Analysis by the Legislative Reference Bureau**

Currently, each registrant under the campaign finance law for whom the Government Accountability Board (GAB) serves as filing officer and who or which accepts political contributions in a total amount or value of \$20,000 or more during a campaign period, as defined by law, must file reports in an electronic format. GAB is directed to specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement. GAB must provide copies of the software to registrants at a price fixed by GAB that may not exceed cost.

This bill directs GAB to provide an Internet-based system that registrants may use to file campaign finance reports in an electronic format. The bill also directs GAB to permit registrants to file campaign finance reports in electronic format either by using the Internet-based system or by using software that produces a delimited file (such as Microsoft Office Excel software).

Substitute amendment

Substitute amendment

JWS A

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

3 SECTION 1. 11.21 (16) of the statutes is amended to read:  
4 11.21 (16) Require each registrant for whom the board serves as filing officer  
5 and who or which accepts contributions in a total amount or value of \$20,000 or more

ASSEMBLY BILL 494

SECTION 1

1 during a campaign period to file each campaign finance report that is required to be  
 2 filed under this chapter in an electronic format, and accept from any other registrant  
 3 for whom the board serves as a filing officer any campaign finance report that is  
 4 required to be filed under this chapter in an electronic format. A registrant who or  
 5 which becomes subject to a requirement to file reports in an electronic format under  
 6 this subsection shall initially file the registrant's report in an electronic format for  
 7 the period which includes the date on which the registrant becomes subject to the  
 8 requirement. ~~To facilitate implementation of this subsection, the~~ The board shall  
 9 provide an Internet-based system that registrants may use to file campaign finance  
 10 reports in an electronic format. The board shall permit registrants to file campaign ✓  
 11 finance reports in electronic format either by using the Internet-based system or by  
 12 using software that produces a delimited file. The board shall specify, by rule, ~~by rule,~~ ✓  
 13 ~~of software that is suitable~~ for compliance with the electronic filing requirement  
 14 under this subsection. The board shall provide copies of the software to registrants  
 15 at a price fixed by the board that may not exceed cost. Each registrant who or which  
 16 files a report under this subsection in an electronic format shall also file a copy of the  
 17 report with the board that is recorded on a medium specified by the board. The copy  
 18 shall be signed by an authorized individual and filed with the board by each  
 19 registrant no later than the time prescribed for filing of the report under this chapter.  
 20 The board shall provide complete instructions to any registrant who or which files  
 21 a report under this subsection. In this subsection, the "campaign period" of a  
 22 candidate, personal campaign committee or support committee begins and ends with  
 23 the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26

IWS

2-12

IWS

2-14



**ASSEMBLY BILL 494**

1 (17), and the "campaign period" of any other registrant begins on January 1 of each  
2 odd-numbered year and ends on December 31 of the following year.

INS  
3-2 3



(END)

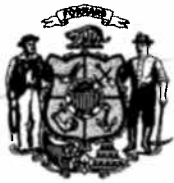
**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0202/1ins  
JTK.....

INS A:

<sup>20</sup>~~4~~ The substitute amendment directs GAB to specify, by rule, the type of, and specifications for, the delimited file that may be used.

Currently, before a rule may be promulgated by GAB, the proposed rule must be submitted for the review and approval and disapproval by the appropriate standing committees of the legislature during a specified review period. If a standing committee objects to a proposed rule during a specified review period, the proposed rule is subject to review and disapproval by the Joint Committee for Review of Administrative Rules (JCRAR) during a specified review period. Any action by JCRAR expires on a date specified by law unless it is affirmed by law prior to that date. This substitute amendment provides, in addition, that any proposed rule of GAB relating to the use of software for electronic filing of campaign finance reports must be submitted by GAB, following completion of the current review process, to the Joint Committee on Finance, which may modify or disapprove the proposed rule during a specified review period.



**ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 494**

INS 12-12

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

2 **1.** Page 2, line 12: delete the material beginning with "a type" and ending with  
3 "suitable" on line 13 and substitute "a type of software that is suitable the type of,  
4 and specifications for, the delimited file that may be used"

5

(END)

(end ins 2-12)



**ASSEMBLY AMENDMENT ,**

**TO 2009 ASSEMBLY BILL 494**

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

2 **1.** Page 2, line 14: after "subsection." insert "Any rule or revision of a rule  
3 under this subsection is subject to approval under s. 11.211."

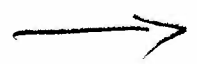
INS  
2-14

4 **2.** Page 3, line 2: after that line insert:

5 ~~SECTION 11.211~~ <sup>#</sup> 11.211 of the statutes is created to read:

INS  
3-2

6 **11.211 Review of software rules; special procedure.** Following  
7 completion of the review of a proposed rule or revision of a rule under s. 11.21 (16)  
8 by the legislative council staff under s. 227.15 (2) and any review by the department  
9 of administration under s. 227.138 (2), and prior to submittal of the notice required  
10 under s. 227.19 (2), the board shall submit the proposed rule or revision to the  
11 cochairpersons of the joint committee on finance for review of the committee. If the  
12 cochairpersons do not notify the board that the committee has scheduled a meeting  
13 for the purpose of reviewing the proposed rule or revision within 14 working days



7

1 after the date of the board's submittal, the board may submit the notice required  
 2 under s. 227.19 (2).<sup>✓</sup> Notwithstanding s. 227.19 (2),<sup>✓</sup> if, within 14 working days after  
 3 the date of the board's submittal, the cochairpersons of the committee notify the  
 4 board that the committee has scheduled a meeting for the purpose of reviewing the  
 5 proposed rule or revision, the board shall not submit the notice required under s.  
 6 227.19 (2)<sup>✓</sup> for the proposed rule or revision unless the committee approves the  
 7 proposed rule or revision or modifies and approves the proposed rule or revision.<sup>✓</sup> If  
 8 the committee modifies and approves the proposed rule or revision, the board may  
 9 submit the notice required under s. 227.19 (2)<sup>✓</sup> for the proposed rule or revision only  
 10 as modified by the committee. If, after submitting the notice required under s. 227.19  
 11 (2),<sup>✓</sup> the board determines to modify the proposed rule or revision, the board shall  
 12 resubmit the proposed rule or revision to the cochairpersons of the committee under  
 13 this subsection.<sup>✓</sup>

105  
3-2  
CONF

(end ins 3-2)

(END)

13  
14



wanted Tue 12/8 - Am

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2009 ASSEMBLY BILL 494

x  
1 Regen

AN ACT *to amend* 11.21 (16); and *to create* 11.211 of the statutes; relating to:  
the methodology for filing campaign finance reports in electronic format.

INSERT  
(move to p. 2)

*Analysis by the Legislative Reference Bureau*

~~(Not)~~ The substitute amendment directs GAB to specify, by rule, the type of, and specifications for, the delimited file that may be used.

¶ Currently, before a rule may be promulgated by GAB, the proposed rule must be submitted for the review and approval and disapproval by the appropriate standing committees of the legislature during a specified review period. If a standing committee objects to a proposed rule during a specified review period, the proposed rule is subject to review and disapproval by the Joint Committee for Review of Administrative Rules (JCRAR) during a specified review period. Any action by JCRAR expires on a date specified by law unless it is affirmed by law prior to that date. This substitute amendment provides, in addition, that any proposed rule of GAB relating to the use of software for electronic filing of campaign finance reports must be submitted by GAB, following completion of the current review process, to the Joint Committee on Finance, which may modify or disapprove the proposed rule during a specified review period.

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is directed to specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement. GAB must provide copies of the software to registrants at a price fixed by GAB that may not exceed cost.

This substitute amendment directs GAB to provide an Internet-based system that registrants may use to file campaign finance reports in an electronic format. The substitute amendment also directs GAB to permit registrants to file campaign finance reports in electronic format either by using the Internet-based system or by using software that produces a delimited file (such as Microsoft Office Excel software).

**INSERT A (from previous page)**

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

1           **SECTION 1.** 11.21 (16) of the statutes is amended to read:

2           **11.21 (16)** Require each registrant for whom the board serves as filing officer  
3           and who or which accepts contributions in a total amount or value of \$20,000 or more  
4           during a campaign period to file each campaign finance report that is required to be  
5           filed under this chapter in an electronic format, and accept from any other registrant  
6           for whom the board serves as a filing officer any campaign finance report that is  
7           required to be filed under this chapter in an electronic format. A registrant who or  
8           which becomes subject to a requirement to file reports in an electronic format under  
9           this subsection shall initially file the registrant's report in an electronic format for  
10          the period which includes the date on which the registrant becomes subject to the  
11          requirement. ~~To facilitate implementation of this subsection, the~~ The board shall  
12          provide an Internet-based system that registrants may use to file campaign finance  
13          reports in an electronic format. The board shall permit registrants to file campaign  
14          finance reports in electronic format either by using the Internet-based system or by  
15          using software that produces a delimited file. The board shall specify, by rule, a type  
16          of software that is suitable the type of, and specifications for, the delimited file that  
17          may be used for compliance with the electronic filing requirement under this

1 subsection. Any rule or revision of a rule under this subsection is subject to approval  
2 under s. 11.211. The board shall provide copies of the software to registrants at a  
3 price fixed by the board that may not exceed cost. Each registrant who or which files  
4 a report under this subsection in an electronic format shall also file a copy of the  
5 report with the board that is recorded on a medium specified by the board. The copy  
6 shall be signed by an authorized individual and filed with the board by each  
7 registrant no later than the time prescribed for filing of the report under this chapter.  
8 The board shall provide complete instructions to any registrant who or which files  
9 a report under this subsection. In this subsection, the “campaign period” of a  
10 candidate, personal campaign committee or support committee begins and ends with  
11 the “campaign” of the candidate whose candidacy is supported, as defined in s. 11.26  
12 (17), and the “campaign period” of any other registrant begins on January 1 of each  
13 odd-numbered year and ends on December 31 of the following year.

14 **SECTION 2.** 11.211 of the statutes is created to read:

15 **11.211 Review of software rules; special procedure.** Following  
16 completion of the review of a proposed rule or revision of a rule under s. 11.21 (16)  
17 by the legislative council staff under s. 227.15 (2) and any review by the department  
18 of administration under s. 227.138 (2), and prior to submittal of the notice required  
19 under s. 227.19 (2), the board shall submit the proposed rule or revision to the  
20 cochairpersons of the joint committee on finance for review of the committee. If the  
21 cochairpersons do not notify the board that the committee has scheduled a meeting  
22 for the purpose of reviewing the proposed rule or revision within 14 working days  
23 after the date of the board’s submittal, the board may submit the notice required  
24 under s. 227.19 (2). Notwithstanding s. 227.19 (2), if, within 14 working days after  
25 the date of the board’s submittal, the cochairpersons of the committee notify the



1 board that the committee has scheduled a meeting for the purpose of reviewing the  
2 proposed rule or revision, the board shall not submit the notice required under s.  
3 227.19 (2) for the proposed rule or revision unless the committee approves the  
4 proposed rule or revision or modifies and approves the proposed rule or revision. If  
5 the committee modifies and approves the proposed rule or revision, the board may  
6 submit the notice required under s. 227.19 (2) for the proposed rule or revision only  
7 as modified by the committee. If, after submitting the notice required under s. 227.19  
8 (2), the board determines to modify the proposed rule or revision, the board shall  
9 resubmit the proposed rule or revision to the cochairpersons of the committee under  
10 this section.

11 (END)