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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections, and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

EXHIBIT G

State of Wisconsin\Government Accountability Board

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JUDGE WILLIAM EICH
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue, Third Floor

Madison, Wisconsin

March 23, 2010 - 9:30 a.m.

March 24, 2010 - 9:00 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Accept Evaluation of Wisconsin Election Data Collection System	2
B. Actions in response to U.S. Supreme Court decision in Citizens United	3
C. Approve changes to GAB 1.28 (Issue Ad Regulation)	4
D. Promulgation of GAB 1.90 (MCFL Corporations)	4

Present: Judge William Eich, Judge Gordon Myse, Judge Thomas Barland, Judge Thomas Cane, Judge Gerald Nichol, Judge Michael Brennan.

Staff present: Kevin Kennedy, Jonathan Becker, Nathaniel E. Robinson, Shane Falk, Michael Haas, Barbara Hansen, Sharrie Hauge, Tommy Winkler, and Reid Magney

A. Call to Order

Chairperson Eich called the meeting to order at 9:30 a.m.

B. Director's Report of Appropriate Meeting Notice

G.A.B. Director Kevin Kennedy informed the Board that proper notice was given for the meeting.

C. Approval of Minutes of Previous Meeting

MOTION: Approve the minutes of the January 14, 2010 meeting of the Government Accountability Board. Moved by Judge Barland, seconded by Judge Cane. Motion carried unanimously.

D. University of Wisconsin Department of Political Science Presentation on Evaluation of Wisconsin Election Data Collection Grant

Elections Division Administrator Nat Robinson introduced University of Wisconsin Department of Political Science Professors Barry Burden, David Cannon and Ken

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Mayer and graduate student Stephane Lavertu, who presented the 2008 Wisconsin Election Data Collection System's Program Evaluation Report to the Board.

The report describes the G.A.B.'s successful use of a \$2 million U.S. Election Administration grant to develop the Wisconsin Election Data Collection System. By spending less than budgeted, the G.A.B. was able to leverage grant funds to accomplish other tasks related to election data collection and clerk training.

Discussion by Board members, staff and the report's authors.

By consensus, the Board accepted the report with gratitude.

E. Public Comment

1. **Attorney Mike B. Wittenwyler** of Madison, representing Godfrey & Kahn S.C., commended the Board staff on its recommendations regarding the U.S. Supreme Court decision in the *Citizens United* case. He questioned the Board's need to proceed with the administrative rule defining the scope of regulated activity, GAB 1.28 (Issue Ad Regulation).
2. **Mike McCabe** of Madison, representing the Wisconsin Democracy Campaign, said the Board staff has developed a sensible response to the *Citizens United* case decision, and urged the Board to proceed with GAB 1.28.
3. **Ardis Cerny** of Pewaukee addressed concerns about early voting and voter identity theft. She urged the Board to allow registered voters to request that their local clerk require them to show a photo ID.
4. **Mary Ann Hanson** of Brookfield discussed her concerns about Retro HAVA checks and the fact that 70,000 voters continue to be non-matches. She suggested that local clerks need to do Retro HAVA checks.
5. **Ginny Graham** of Waukesha commented that she is getting resistance to her efforts to get municipal clerks to select poll workers from lists provided by the political parties, as required by law.
6. **Annette Kuglich** of Waukesha commented on the need for fair election administration. She said she found disturbing similarities between the Board's five-year election administration plan and the agendas of progressive organizations.
7. **Diane Hermann-Brown** of Sun Prairie appeared on behalf of the City of Sun Prairie to urge the Board members to visit polling places during the Spring Election. She said clerks appreciated the G.A.B.'s extended hours leading up to the elections

F. Report on Impact of *Citizens United v. Federal Election Commission*

(Presented by Jonathan Becker and Shane Falk)

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Jonathan Becker and Shane Falk made a presentation to the Board about the impact of the U.S. Supreme Court decision in *Citizens United v. Federal Election Commission*, which struck down the federal ban on corporate independent expenditures.

Board staff proposed several motions to bring Wisconsin into compliance with the decision, which provide for as much disclosure and transparency as possible within the agency's statutory authority.

Discussion.

MOTION: Adopt a policy statement providing that the Government Accountability Board will not enforce the §11.38(1)(a)1., Wis. Stats., prohibition on corporate independent expenditures (disbursements) for political purposes. This policy statement shall be made widely public and distributed to all District Attorneys, in coordination and cooperation with the Wisconsin Department of Justice.

MOTION: Staff is directed to request an Advisory Opinion from the Wisconsin Attorney General regarding the impact of *Citizens United* as to enforcement of ch. 11, Wis. Stats., specifically §11.38(1)(a)1., Wis. Stats.

MOTION: Adopt staff's interim policy regarding registration, disclosure and disclaimer procedures for a corporation, or association organized under ch. 185 or 193, Wis. Stats., wishing to make independent expenditures (disbursements) for a political purpose in Wisconsin as set out at pages 10 and 11 of the March 23, 2010 G.A.B. Meeting materials.

MOTION: Staff shall prepare, for consideration at May 2010 Board meeting, proposed emergency and permanent rules codifying a policy regarding registration, disclosure and disclaimer procedures for a corporation, or association organized under ch. 185 or 193, Wis. Stats., wishing to make independent expenditures (disbursements) for a political purpose in Wisconsin.

MOTION: Staff shall continue working with the Legislature to develop legislation to address the implications of *Citizens United*.

All motions moved by Judge Cane, seconded by Judge Barland. Motions carried unanimously.

G. Administrative Rules

1. Status Report on Administrative Rule Defining Scope of Regulated Activity, GAB 1.28 (Issue Ad Regulation)

Shane Falk made a presentation regarding changes to GAB 1.28, which expands the definition of a political purpose as permitted by the *WRTLII* decision. He noted that the *Citizens United* decision does not change the need to adopt the rule, only that spending by corporations is now included.

Discussion.

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MOTION: Approve revisions to GAB 1.28 in the rule analysis section and reaffirm the text of the rule. Pursuant to §227.19(4)(b)3m., staff shall resubmit GAB 1.28 to the Legislature with the amended rule analysis. Staff shall continue all other steps necessary to complete promulgation of GAB 1.28. Moved by Judge Cane, seconded by Judge Nichol. Motion carried unanimously.

Chairman Eich called a lunch recess at 12:13 p.m.

The Board reconvened at 12:45 p.m.

4. Proposed GAB 1.90 – Regulation of Nonprofit Corporations Organized Solely for Political Activity (MCFL Corporations)

Shane Falk presented motions to the Board to regulate nonprofit corporations organized solely for political activity.

Discussion. Judge Barland suggested a more descriptive name than MCFL Corporations. Jonathan Becker suggested “non-business corporation.”

MOTION: Pursuant to §§5.05(1)(f), 227.11(2)(a), 227.14(4m), 227.15(1), and 227.16-17, Wis. Stats., the Board formally approves the attached Notice of Proposed Order Adopting Rule, Notice of Submittal to Legislative Council Clearinghouse, and Notice of Hearing for the creation of ch. GAB §1.90, Wis. Adm. Code, and directs staff to proceed with promulgation of the rules.

MOTION: Staff shall take all other steps necessary to complete promulgation of the rules creating ch. GAB §1.90, Wis. Adm. Code.

MOTION: Staff shall revise Form GAB-1, as necessary, to include MCFL corporations as an option for registration.

MOTION: Formally withdraw the four informal MCFL opinions upon publication and official effective date of ch. GAB §1.90.

All motions moved by Judge Nichol, seconded by Judge Cane. Motions carried unanimously.

3. Status Report on Pending Administrative Rules

A written report was included in the Board materials.

H. Review of Approval of Engineering Changes to Approved Electronic Voting Systems

Shane Falk made a presentation to the Board regarding problems with voting systems approved in the past that are now subject to upgrades. Because of parts supply issues, voting equipment manufacturers often need to use slightly different components when they make repairs. In addition, due to the nature of these electronic voting systems, periodic and ongoing hardware, firmware, and software upgrades are likely to occur.

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The issue is whether each of these minor engineering changes requires approval by the Board.

Discussion.

MOTION: Approve interim policy for application and approval of voting systems modifications to systems previously approved for use in Wisconsin as set out at pages 68 and 69 of the March 23, 2010 G.A.B. Meeting materials.

MOTION: Pursuant to §5.05(1)(e), Wis. Stats., and his role as agency head and chief state election official, the Government Accountability Board delegates authority to its Director and General Counsel to accept, review, and exercise discretion to approve applications for voting systems modifications to systems previously approved for use in Wisconsin. The Director and General Counsel shall consult with the Board Chair to determine whether Board members should be polled or a special meeting conducted before action is taken. The Director and General Counsel shall also report, at the Board meeting immediately following action on this delegated authority, the specifics for the action taken, the basis for taking the action, and the outcome of that action.

MOTION: Staff shall prepare, for consideration at a future Board meeting, proposed administrative rules codifying a policy for application and approval of voting systems modifications to systems previously approved in Wisconsin.

All motions moved by Judge Cane, seconded by Judge Nichol. Motions carried unanimously.

I. Legislation

1. Summary of Recent Legislative Activity

Kevin Kennedy provided an update on recent legislative activity, including the omnibus election bill, which includes many technical changes requested by the Board, and the online voter registration bill, neither of which have been introduced yet. The Board also discussed two bills introduced in response to the *Citizens United* decision.

2. Legislative Status Report

The Legislative Status Report was included in the Board materials.

J. Staff Report on Retroactive HAVA Checks

Nat Robinson introduced Sarah Whitt, SVRS IT Functional Lead, who presented a report on retroactive HAVA checks run on voters who registered between January 1, 2006, and August 5, 2008. As required by law, Board staff compared voter records in the Statewide Voter Registration System with records from the Wisconsin Department of Transportation or the Social Security Administration. Of the 777,561 records checked, 89.4 percent showed a match. Voter registration data for more than 70,000 additional voters was updated. Approximately 70,000 non-matches remain. The Board and staff discussed reasons for the non-matches and strategies for recontacting non-matches.

K. Director's Report

Judge Eich, reflecting on the upcoming end of his term on the Board, thanked the staff for their service, noting that during his career, he has never encountered a staff that is so uniformly accomplished.

Division Administrator Nat Robinson presented the Elections Division report. He asked the Board for approval to apply for the next round of HAVA funding from the federal government.

MOTION: That the Board authorize staff to apply for \$1,285,090 dollars in Federal Fiscal Year (FFY) 2010 Requirements Payments. Moved by Judge Myse, second by Judge Brennan. Motion carried unanimously.

Division Administrator Jonathan Becker presented the Ethics and Accountability Division Report. He reported on the Campaign Finance Information System: that it experienced fewer problems during the filing of the January 2010 Continuing reports; however, staff is concerned about the scalability of CFIS. The Division of Enterprise Technology has evaluated the system and identified a number of ways it can be improved. Staff believes that DET can build a replacement system for a reasonable cost.

Office of the Director and General Counsel

Chief Administrative Officer Sharrie Hauge updated the Board on the ongoing performance audit of federal HAVA funds by the U.S. Election Assistance Commission, as well as recent developments with the Contract Sunshine program.

L. Closed Session

Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation.

MOTION: Move to closed session pursuant to §§5.05(6a), 19.85(1)(h), 19.851, 19.85(1)(g), and 19.85(1)(c), to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation and consider performance evaluation data of a public employee of the Board. Moved by Judge Myse, seconded by Judge Nichol.

Roll call vote: Brennan:	Aye	Cane:	Aye
Eich:	Aye	Barland:	Aye
Myse:	Aye	Nichol:	Aye

Motion carried.

Hearing no objection, the Chairman called a recess at 2:45 p.m. The Board reconvened in closed session beginning at 3 p.m. and recessed for the day at 4:20 p.m.

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On Wednesday, March 24, 2010, the Board reconvened in closed session at 9 a.m. until 10:55 a.m., when the Chairman called a recess. The Board reconvened in open session at 11:08 a.m.

M. Dialogue with Representative Jeff Smith

Representative Jeff Smith, Chairman of the Assembly Committee on Elections, met with the Board to discuss the Wisconsin Voter Protection Act, SB 640 and AB 895. He said the Act implements the federal Military and Overseas Voter Empowerment Act, modernizes voter registration procedures by merging information from the Department of Transportation with the statewide voter list, improves the absentee voting process, and protects voters from intimidation and deceptive practices on Election Day.

Discussion. Representative Smith said he and Senator Coggs have strong support from the Assembly and Senate leadership on the bills.

The Board returned to closed session at 11:28 a.m.

Summary of Significant Actions Taken in Closed Session:

- A. Litigation: Two pending matters considered.
- B. Investigations: Four pending matters considered and six matters closed.
- C. Requests for Advice: One pending matter considered and one matter closed.
- D. Enforcement Actions: Two matters closed.

####

The next meeting of the Government Accountability Board is scheduled for 9:30 a.m. Monday, May 10, 2010 at the G.A.B. offices, 212 East Washington Avenue, Madison, Wisconsin.

March 23 and 24, 2010 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

April 19, 2010

March 23 and 24, 2010 Government Accountability Board meeting minutes certified by:

Judge Thomas Barland, Board Secretary

May 10, 2010

EXHIBIT H

State of Wisconsin \ Government Accountability Board

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the July 21-22, 2010 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: Administrative Rules Status: Special Highlights

1. ch. GAB §1.28, relating to the definition of the term "political purpose"
2. ch. GAB §1.91, relating to organizations making independent disbursements
3. ch. GAB 26, relating to Contract Sunshine

1. Revised ch. GAB §1.28, relating to the definition of the term "political purpose":

Recommendation: No action required.

This rule had previously been submitted to the Legislature for review in May 2009, but it was recalled by the Board in June 2009 while we all waited for the U.S. Supreme Court decision, *Citizens United v. FEC*. That decision was released on January 21, 2010 and reviewed by the Board at the March 23-24, 2010 Board meeting. The Board adopted staff's recommendations for some slight revisions in the analysis section of the rule and retained the language of the rule itself.

On May 6, 2010, the revised rule was again submitted to the Legislature for review. The Senate was to have completed its review by June 9, 2010 and the Assembly by June 12, 2010. The committees assigned to review the rule in both houses requested a meeting with the Board, which automatically extended their jurisdiction another 30 days. Staff from the G.A.B. and the committee chairs, among others, met on one occasion during this extended review, but ultimately, the rule was reported out of the committees without any action.

The Legislature's jurisdiction over the revised ch. GAB §1.28 expired, which permitted staff to submit the rule to the Legislative Reference Bureau for publication, making the rule effective. Due to timing and publication issues, it was initially feared that the rule would not be effective by August 16, 2010 (30 days preceding the Fall Primary.) However, the Legislative Reference Bureau was very accommodating and took steps to ensure that the rule was published at the end of July so that it is effective on August 1, 2010. These efforts will ensure that the rule is

effective before 30 days preceding the Fall Primary, which is the period that the rule's requirements first apply in the context of determining the political purpose of communications close in proximity to elections.

The promulgation of ch. GAB §1.28, Wis. Adm. Code, is complete; however, questions have arisen regarding the specifics of its application. Staff will continue to work on implementation guidelines to provide direction to those subject to the rule.

EXHIBIT I

1999 - 2000 LEGISLATURE

LRB-2225/4
JTK&JK.cmh:km

1999 SENATE BILL 113

April 7, 1999 - Introduced by Senators ELLIS, RUDE, FARROW and PANZER. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4)
3 (b) and 71.10 (3); *to renumber and amend* 11.12 (6), 11.26 (9) (a), 11.26 (10),
4 11.50 (2) (b) 5. and 11.50 (9); *to amend* 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm),
5 8.35 (4) (b), 10.02 (3) (b) 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2),
6 11.06 (7m) (a), 11.06 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3)
7 (d), 11.20 (3) (g), 11.20 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26
8 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (b), 11.26 (13), 11.26 (17)
9 (a), 11.31 (1) (a), 11.31 (1) (c) and (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (7) (a),
10 11.50 (title), 11.50 (1) (b), 11.50 (2) (a), 11.50 (2) (b) (intro.), 11.50 (2) (g), 11.50
11 (5), 11.50 (9) (title), 11.50 (11) (e), 11.61 (1) (a), 11.61 (1) (a), 11.61 (1) (b), 11.61
12 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q), 25.17 (1) (ys), 25.42 and chapter
13 77 (title); *to repeal and recreate* 11.50 (4); and *to create* 11.01 (16) (a) 3.,
14 11.05 (3) (d), 11.12 (6) (b) to (d), 11.12 (7), 11.20 (2e), 11.20 (2s), 11.20 (2r), 11.20

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LRB-2225/4
JTK&JK.cmh.kim

SENATE BILL 113

1 (8) (ak) and (aL), 11.20 (8) (am), 11.20 (8) (an), 11.24 (1c), 11.24 (1w), 11.26 (1m),
2 11.26 (9) (a) 1. to 5., 11.26 (9) (aa), 11.26 (9) (am), 11.26 (10) (a) 1. to 5. and (b),
3 11.26 (10a), 11.31 (3p), 11.31 (7) (e), 11.31 (9), 11.50 (2) (b) 5. a. to e., 11.50 (2)
4 (bm), 11.50 (9) (a) 1. to 5., 11.50 (9) (b), 11.50 (9) (ba), 11.50 (9) (bb), 11.50 (9a),
5 11.60 (3s) and (3t), 11.61 (1) (d), 11.62, 20.855 (4) (ba), 20.855 (4) (bb) and
6 subchapter XIII of chapter 77 [precedes 77.997] of the statutes; relating to:
7 campaign financing, imposition of a lobbying expenditure tax, providing
8 exemptions from emergency rule procedures, granting rule-making authority,
9 making appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law and imposes a tax on lobbying expenditures. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures) 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.

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount to be transferred and the individual to whom or the organization to which the transfer is to be made, the contribution is considered to be made by the original contributor for purposes of reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a "conduit" under the law. A conduit must identify itself to the ultimate

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LRB-2225/4
JTK&JK:cmh:km

SENATE BILL 113

3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$167,000 from all individuals.

4. For a candidate for the office of justice or state superintendent, \$100,000 from all individuals.

5. For a candidate for the office of state senator, \$25,000 from all political party committees or \$125,000 from all individuals.

6. For a candidate for the office of representative to the assembly, \$12,500 from all political party committees or \$62,500 from all individuals.

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general or a special election, to file an additional report on the tenth day after the election

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.

This bill requires each individual who and organization that makes a communication by means of a newspaper, periodical, commercial billboard or radio or television station, other than a communication by a corporation, cooperative or nonpolitical voluntary association limited to its members, shareholders or subscribers, during the period beginning on the 60th day preceding an election and ending on the date of that election which includes a reference to a candidate at that election, an office to be filled at that election or a political party to register with the appropriate filing officer and to file financial reports with that officer to the same extent as currently required of individuals who and organizations that engage in activity for the purpose of influencing elections.

Disbursement limitations

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Under current law, the disbursement limitations apply to a candidate's entire primary and election campaign combined. Additionally, the disbursement levels for candidates for the offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the

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LRB 2225/1
JTK&JK:cmh/km
SECTION 5

SENATE BILL 113

1 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
2 ballot of his or her choice or the ballot containing the names of the independent
3 candidates for state office, and make a cross [x] in the square at the right of or
4 depress the lever or button next to the candidate's name for each office for whom the
5 elector intends to vote or insert or write in the name of the elector's choice for a party
6 candidate, if any. In order to qualify for participation in the Wisconsin election
7 campaign clean government fund, a candidate for state office at the September
8 primary, other than a candidate for district attorney, must receive at least 6% of all
9 votes cast on all ballots for the office for which he or she is a candidate, in addition
10 to other requirements.

11 SECTION 6. 11.01 (5m) of the statutes is amended to read:

12 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
13 which receives a contribution of money and transfers the contribution to another
14 individual or ~~organization~~ committee without exercising discretion as to the amount
15 which is transferred and the individual to whom or ~~organization~~ committee to which
16 the transfer is made.

17 SECTION 7. 11.01 (12s) of the statutes is repealed.

18 SECTION 8. 11.01 (16) (a) 3. of the statutes is created to read:

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

25 SECTION 9. 11.05 (3) (c) of the statutes is amended to read:

1999 - 2000 LEGISLATURE

LRB-3171/1
J1K&JK:cnl:ch&jf

1999 SENATE BILL 190

June 8, 1999 - Introduced by COMMITTEE ON AGRICULTURE, ENVIRONMENTAL RESOURCES AND CAMPAIGN FINANCE REFORM. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 AN ACT *to repeal* 11.01 (5m), 11.01 (12s), 11.05 (3) (o), 11.05 (9) (b), 11.06 (11),
2 11.24 (1m), 11.26 (9) (c), 11.26 (12m), 11.265, 11.31 (1) (b), 11.31 (2m), 11.31 (3),
3 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4) (b) and 71.10
4 (3); *to renumber* 11.05 (9) (a); *to renumber and amend* 11.12 (6), 11.50 (2)
5 (b) 5. and 11.50 (9); *to amend* 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm), 8.35 (4)
6 (b), 10.02 (3) (b) 2m., 11.05 (3) (c), 11.05 (3) (n), 11.06 (2), 11.06 (7m) (a), 11.06
7 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3) (d), 11.20 (3) (g), 11.20
8 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26 (1) (a), 11.26 (1) (b),
9 11.26 (1) (c), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26
10 (9) (b), 11.26 (9) (b), 11.26 (10), 11.26 (13), 11.26 (17) (a), 11.31 (1) (a), 11.31 (1)
11 (c), 11.31 (1) (d), 11.31 (1) (e) and (f), 11.31 (2), 11.38 (1) (a) 3., 11.50 (title), 11.50
12 (1) (b), 11.50 (2) (a), 11.50 (2) (b) (intro.), 11.50 (2) (b) 1 to 3., 11.50 (2) (b) 4., 11.50
13 (2) (g), 11.50 (5), 11.50 (9) (title), 11.50 (11) (e), 11.61 (1) (a), 11.61 (1) (a), 11.61
14 (1) (b), 11.61 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q), 25.17 (1) (ys), 25.42

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1 and chapter 77 (title): *to repeal and recreate* 11.50 (4); and *to create* 11.05
2 (14), 11.12 (6) (c) and (d), 11.12 (7), 11.12 (8), 11.20 (2e), 11.20 (8) (am), 11.20 (8)
3 (an), 11.24 (1s), 11.24 (1t), 11.24 (1w), 11.26 (1m), 11.26 (10a), 11.31 (1) (cm),
4 11.31 (3p), 11.31 (9), 11.50 (2) (b) 3m., 11.50 (2) (b) 3s., 11.50 (2) (b) 5. a. to f., 11.50
5 (2) (bm), 11.50 (9) (a) 1. to 6., 11.50 (9) (b), 11.50 (9) (ba), 11.50 (9a), 11.60 (3s)
6 and (3t), 11.61 (1) (d), 20.855 (4) (ba), 20.855 (4) (bb) and subchapter XIII of
7 chapter 77 [precedes 77.997] of the statutes; relating to: campaign financing,
8 imposition of a lobbying expenditure tax, providing exemptions from
9 emergency rule procedures, granting rule-making authority, making
10 appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law and imposes a tax on lobbying expenditures. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures) 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 the office of governor, lieutenant governor, attorney general, secretary of state, justice of the supreme court, state senator or representative to the assembly who does not accept a public grant (see below) and who intends to make any disbursement or who incurs or intends to incur any obligation to make a disbursement after the candidate has made disbursements in his or her campaign exceeding the amount of the disbursement limitation for the office that the candidate seeks, to report to the elections board, no later than 21 days prior to the activity intended to be funded by

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the disbursement or obligation, the information that is currently required to be reported pertaining to disbursements made and obligations incurred by candidates.

The bill similarly requires each committee that intends to make any disbursement or that incurs or intends to incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a candidate for a major state office at the general election or a special election independently of any candidate who is supported or whose opponent is opposed to report to the elections board no later than 21 days prior to the activity intended to be funded by the disbursement or obligation, specifying the name of each candidate who is supported or whose opponent is opposed and the total amount of disbursements to be made and obligations to be incurred for that purpose.

In addition, the bill provides that if a candidate for a major state office at the general or a special election does not enter into an agreement to accept a public grant in return for abiding by disbursement limitations and contribution restrictions, the candidate must report to the elections board all information currently required to be disclosed pertaining to any contributions received by the candidate no later than 24 hours following receipt of any contribution or contributions after that candidate receives total contributions equal to more than the following amounts during his or her campaign:

1. For candidates for the offices of governor and lieutenant governor jointly, \$500,000 from all committees or \$1,500,000 from all contributors.
2. For a candidate for the office of attorney general, \$100,000 from all committees or \$300,000 from all contributors.
3. For a candidate for the office of secretary of state, state treasurer or state superintendent of public instruction, \$50,000 from all committees or \$150,000 from all contributors.
4. For a candidate for the office of justice, \$225,000 from all contributors.
5. For a candidate for the office of state senator, \$25,000 from all committees or \$75,000 from all contributors.
6. For a candidate for the office of representative to the assembly, \$12,500 from all committees or \$37,500 from all contributors.

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general or a special election, to file an additional report on the tenth day after the election.

Mass media activities

Currently, individuals who accept contributions, organizations that make or accept contributions, or 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. Currently, when a

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person is alleged to have violated registration and reporting requirements, the state has the burden of proving that the violation occurred.

This bill provides that, whenever any person publishes, disseminates or broadcasts any communication that includes a reference to a candidate for an office to be filled at an election, during the 60-day period preceding that election or during the 30-day period preceding any primary for that election, and the communication is substantially directed toward the electorate for that election, it is presumed that the communication is made for the purpose of influencing the election or nomination for election of that candidate, unless the person making the communication establishes, by a preponderance of the evidence, that the communication was not made for that purpose.

Disbursement limitations

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Under current law, the disbursement limitations apply to a candidate's entire primary and election campaign combined. Additionally, the disbursement levels for candidates for the offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the total applicable disbursement level for either office may be allocated by a candidate to either the primary or the election campaign period.

This bill:

1. Eliminates disbursement levels and limitations applicable to candidates for state office, except the offices of court of appeals judge, circuit judge and district attorney, on or before the date of the primary election for those offices.
2. Revises the current disbursement levels applicable to candidates for the offices shown in the following chart:

<i>Office</i>	<i>Current Level</i>	<i>Proposed Level</i>
Governor	\$1,078,200	[\$2,000,000
Lieutenant governor	323,475	for both offices]
Attorney general	539,000	600,000
Supreme court justice	215,625	300,000
Secretary of state	215,625	200,000
State treasurer	215,625	200,000
State superintendent of public instruction	215,625	200,000
State senator	34,500	100,000
Representative to the assembly	17,250	50,000

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LRBs0406/1
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SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 190

March 14, 2000 - Offered by Senators ELLIS, PANZER, RUDE and FARROW.

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4)
3 (b) and 71.10 (3); *to renumber and amend* 11.12 (6), 11.26 (9) (a), 11.26 (10),
4 11.50 (2) (b) 5. and 11.50 (9); *to amend* 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm),
5 8.35 (4) (b), 10.02 (3) (b) 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2),
6 11.06 (7m) (a), 11.06 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3)
7 (d), 11.20 (3) (g), 11.20 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26
8 (1) (a), (b) and (c), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9)
9 (b), 11.26 (13), 11.26 (17) (a), 11.31 (1) (a), 11.31 (1) (c) and (d), 11.31 (1) (e) and
10 (f), 11.31 (2), 11.31 (7) (a), 11.50 (title), 11.50 (1) (b), 11.50 (2) (a), 11.50 (2) (b)
11 (intro.), 11.50 (2) (g), 11.50 (5), 11.50 (9) (title), 11.50 (11) (e), 11.61 (1) (a), 11.61
12 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q), 25.17 (l) (ys) and 25.42; *to repeal*
13 *and recreate* 11.50 (4); and *to create* 11.01 (16) (a) 3., 11.05 (3) (d), 11.12 (6)

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1 such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there
2 is no candidate appointed or if no proper application is filed within 7 days of the date
3 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
4 11.50 (8).

5 SECTION 5. 10.02 (3) (b) 2m. of the statutes is amended to read:

6 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
7 ballot of his or her choice or the ballot containing the names of the independent
8 candidates for state office, and make a cross [x] in the square at the right of or
9 depress the lever or button next to the candidate's name for each office for whom the
10 elector intends to vote or insert or write in the name of the elector's choice for a party
11 candidate, if any. In order to qualify for participation in the ~~Wisconsin~~ election
12 ~~campaign~~ clean government fund, a candidate for state office at the September
13 primary, other than a candidate for district attorney, must receive at least 6% of all
14 votes cast on all ballots for the office for which he or she is a candidate, in addition
15 to other requirements.

16 SECTION 6. 11.01 (5m) of the statutes is amended to read:

17 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
18 which receives a contribution of money and transfers the contribution to another
19 individual or ~~organization~~ committee without exercising discretion as to the amount
20 which is transferred and the individual to whom or ~~organization~~ committee to which
21 the transfer is made.

22 SECTION 7. 11.01 (12s) of the statutes is repealed.

23 SECTION 8. 11.01 (16) (a) 3. of the statutes is created to read:

24 11.01 (16) (a) 3. A communication that is made by means of one or more
25 communications media, other than a communication that is exempt from reporting

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1 under s. 11.29, that is made during the period beginning on the 60th day preceding
2 an election and ending on the date of that election and that includes a reference to
3 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
4 the ballot at that election, an office to be filled at that election or a political party.

5 SECTION 9. 11.05 (3) (c) of the statutes is amended to read:

6 11.05 (3) (c) In the case of a committee, a statement as to whether the
7 committee is a personal campaign committee, a political party committee, a
8 ~~legislative campaign committee~~, a support committee or a special interest
9 committee.

10 SECTION 10. 11.05 (3) (d) of the statutes is created to read:

11 11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

12 SECTION 11. 11.05 (3) (o) of the statutes is repealed.

13 SECTION 12. 11.05 (9) (b) of the statutes is amended to read:

14 11.05 (9) (b) An individual who or a committee or group which receives a
15 contribution of money and transfers the contribution to another individual,
16 committee or group while acting as a conduit is not subject to registration under this
17 section unless the individual, committee or group transfers the contribution to a
18 candidate or a personal campaign, ~~legislative campaign~~, political party or support
19 committee.

20 SECTION 13. 11.06 (2) of the statutes is amended to read:

21 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
22 sub. (1), if a disbursement is made or obligation incurred by an individual other than
23 a candidate or by a committee or group which is not primarily organized for political
24 purposes, and the disbursement does not constitute a contribution to any candidate
25 or other individual, committee or group, the disbursement or obligation is required

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LRB-1752/I
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1999 ASSEMBLY BILL 167

March 4, 1999 - Introduced by Representatives TRAVIS, BLACK, BOCK, CULLEN, HASENOHRL, HUBER, J. LEHMAN, MEYER, MILLER, MUSSER, PLOUFF, POCAN, RILEY, STASKUNAS and WASSERMAN, cosponsored by Senators PLACHE, BAUMGART, CLAUSING, DECKER, ERPENBACH, GEORGE, MOEN and WIRCH. Referred to Committee on Campaigns and Elections.

1 AN ACT *to repeal* 11.01 (3); *to renumber* 11.002; *to amend* 11.01 (16) (a) 1., 11.06
2 (2), 11.06 (7) (a), 11.12 (6), 11.16 (1) (a) and (b) and 11.30 (2) (d); and *to create*
3 11.002 (2) and 11.60 (3n), (3p) and (3r) of the statutes; **relating to:** disclosure
4 of certain activity for the purpose of influencing elections and providing
5 penalties.

Analysis by the Legislative Reference Bureau

Currently, if any individual or organization makes expenditures, in cash or in-kind, to make a communication or to engage in some other activity for the purpose of influencing an election for state or local office, that individual or organization is potentially subject to registration and reporting requirements. If the individual is not a candidate or the organization is not a political party, political action committee or some other entity that is organized exclusively for the purpose of influencing elections, the individual is not required to register or report unless the individual or organization makes a contribution or makes expenditures, in cash or in kind, to expressly advocate the election or defeat of a candidate whose name, photograph or drawing is used or who is unambiguously referred to in the activity. If the individual or organization makes expenditures, in cash or in kind, to advocate the election or defeat of such a candidate independently of the candidate who is supported or whose opponent is opposed, the individual or organization must file an oath affirming the independence of the individual or organization before making expenditures to advocate the election or defeat of such a candidate. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for failing to register or to file reports.

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This bill changes the standard for reporting of expenditures to influence an election for state or local office, and the applicability of registration requirements resulting from those expenditures, so that registration and reporting is required if an individual or organization makes expenditures the primary purpose of which is to cause the election, defeat, recall or retention of a candidate. In determining the primary purpose of a communication, the bill provides that the proximity of the communication to an election and the audience to whom the communication is addressed shall be considered. Under the bill, violators of the registration and reporting requirements who or which make expenditures to support the election, defeat, recall or retention of a candidate independently of any candidate who is supported or whose opponent is opposed are subject to a forfeiture of treble the amount of any unreported expenditures or obligations to make expenditures, or treble the difference between the amount of any expenditure or obligation to make an expenditure that is reported and the amount of the expenditure actually made or the obligation to make an expenditure actually incurred.

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

1 SECTION 1. 11.002 of the statutes is renumbered 11.002 (1).

2 SECTION 2. 11.002 (2) of the statutes is created to read:

3 11.002 (2) In determining the primary purpose of a communication, the
4 proximity of the communication to an election and the audience to whom the
5 communication is addressed shall be considered.

6 SECTION 3. 11.01 (3) of the statutes is repealed.

7 SECTION 4. 11.01 (16) (a) 1. of the statutes is amended to read:

8 11.01 (16) (a) 1. The making of a communication ~~the primary purpose of which~~
9 ~~expressly advocates the~~ is to cause the election, defeat, recall or retention of a clearly
10 ~~identified~~ candidate or a particular vote at a referendum.

11 SECTION 5. 11.06 (2) of the statutes is amended to read:

12 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
13 sub. (1), if a disbursement is made or obligation incurred by an individual other than
14 a candidate or by a committee or group which is not primarily organized for political

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LRB-2386/1
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1999 SENATE BILL 93

March 23, 1999 - Introduced by Senators PLACHE, CLAUSING, WIRCH, BAUMGART and MOEN, cosponsored by Representatives TRAVIS, MILLER, BOCK, J. LEHMAN, POCAN and WASSERMAN. Referred to Committee on Economic Development, Housing and Government Operations.

1 AN ACT *to repeal* 11.01 (3); *to renumber* 11.002; *to amend* 11.01 (16) (a) 1., 11.06
2 (2), 11.06 (7) (a), 11.12 (6), 11.16 (1) (a) and (b) and 11.30 (2) (d); and *to create*
3 11.002 (2) and 11.60 (3n), (3p) and (3r) of the statutes; *relating to*: disclosure
4 of certain activity for the purpose of influencing elections and providing
5 penalties.

Analysis by the Legislative Reference Bureau

Currently, if any individual or organization makes expenditures, in cash or in-kind, to make a communication or to engage in some other activity for the purpose of influencing an election for state or local office, that individual or organization is potentially subject to registration and reporting requirements. If the individual is not a candidate or the organization is not a political party, political action committee or some other entity that is organized exclusively for the purpose of influencing elections, the individual is not required to register or report unless the individual or organization makes a contribution or makes expenditures, in cash or in kind, to expressly advocate the election or defeat of a candidate whose name, photograph or drawing is used or who is unambiguously referred to in the activity. If the individual or organization makes expenditures, in cash or in kind, to advocate the election or defeat of such a candidate independently of the candidate who is supported or whose opponent is opposed, the individual or organization must file an oath affirming the independence of the individual or organization before making expenditures to advocate the election or defeat of such a candidate. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for failing to register or to file reports.

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This bill changes the standard for reporting of expenditures to influence an election for state or local office, and the applicability of registration requirements resulting from those expenditures, so that registration and reporting is required if an individual or organization makes expenditures the primary purpose of which is to cause the election, defeat, recall or retention of a candidate. In determining the primary purpose of a communication, the bill provides that the proximity of the communication to an election and the audience to whom the communication is addressed shall be considered. Under the bill, violators of the registration and reporting requirements who or which make expenditures to support the election, defeat, recall or retention of a candidate independently of any candidate who is supported or whose opponent is opposed are subject to a forfeiture of treble the amount of any unreported expenditures or obligations to make expenditures, or treble the difference between the amount of any expenditure or obligation to make an expenditure that is reported and the amount of the expenditure actually made or the obligation to make an expenditure actually incurred.

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

1 SECTION 1. 11.002 of the statutes is renumbered 11.002 (1).

2 SECTION 2. 11.002 (2) of the statutes is created to read:

3 11.002 (2) In determining the primary purpose of a communication, the
4 proximity of the communication to an election and the audience to whom the
5 communication is addressed shall be considered.

6 SECTION 3. 11.01 (3) of the statutes is repealed.

7 SECTION 4. 11.01 (16) (a) 1. of the statutes is amended to read:

8 11.01 (16) (a) 1. The making of a communication ~~the primary purpose of which~~
9 ~~expressly advocates the~~ is to cause the election, defeat, recall or retention of a clearly
10 ~~identified~~ candidate or a particular vote at a referendum.

11 SECTION 5. 11.06 (2) of the statutes is amended to read:

12 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
13 sub. (1), if a disbursement is made or obligation incurred by an individual other than
14 a candidate or by a committee or group which is not primarily organized for political

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LRB-1808/I

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2001 ASSEMBLY BILL 18

January 16, 2001 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Campaigns and Elections.

1 AN ACT *to repeal* 11.06 (3) (b); *to amend* 11.06 (1) (intro.), 11.06 (2) and 11.12
2 (4); and *to create* 11.01 (13) and (20) and 11.01 (16) (a) 3. of the statutes;
3 relating to: the scope of regulation and reporting of information by
4 nonresident registrants under the campaign finance law.

Analysis by the Legislative Reference Bureau

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objections of the assembly committee on campaigns and elections on February 16, 2000, and of the senate committee on economic development, housing and government operations on February 14, 2000, and the objection of the joint committee for review of administrative rules on April 14, 2000, to the issuance of clearinghouse rule number 99-150 by the elections board. The proposed rule relates to the subject of disclosure and record-keeping requirements under the campaign finance law.

Currently, individuals who accept contributions, organizations which make or accept contributions, or individuals who or organizations which 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 or organization that, within 60 days of an election and by means of a newspaper, periodical, commercial billboard,

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radio station, television station, mass mailing, or telephone bank operator, makes a communication which includes the name or likeness of a candidate at that election, an office to be filled at that election, or a political party. 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.

Currently, with certain exceptions, registrants under the campaign finance law are required to file regular reports with the appropriate filing officer or agency. The reports must identify contributors of more than \$20 cumulatively within a calendar year; the occupation and principal place of employment, if any, of each contributor whose cumulative contributions within a calendar year exceed \$100; the registrants from whom or to whom funds are transferred; other income exceeding \$20; contributions donated to a charitable organization or the common school fund; loans exceeding \$20 together with the identity of the lenders and guarantors, if any; disbursements (expenditures) and obligations exceeding \$20; and certain information from registrants making disbursements independently of candidates. However, if a registrant does not maintain an office or street address within this state, the registrant need only identify contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state or local office in this state.

This bill deletes the exception for registrants who or which do not maintain an office or street address within this state, so that these registrants are required to report the same information as other registrants.

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

1 SECTION 1. 11.01 (13) and (20) of the statutes are created to read:

2 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of
3 substantially identical material.

4 (20) "Telephone bank operator" means any person who places or directs the
5 placement of telephone calls to individuals.

6 SECTION 2. 11.01 (16) (a) 3. of the statutes is created to read:

7 11.01 (16) (a) 3. A communication that is made by means of one or more
8 communications media or a mass mailing, or through a telephone bank operator,
9 other than a communication that is exempt from reporting under s. 11.29, that is
10 made during the period beginning on the 60th day preceding an election and ending

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1 on the date of that election and that includes a name or likeness of a candidate whose
2 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that
3 election, the name of an office to be filled at that election, or the name of a political
4 party.

5 SECTION 3. 11.06 (1) (intro.) of the statutes is amended to read:

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

13 SECTION 4. 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, the disbursement or obligation is required
19 to be reported only if the purpose is to expressly advocate the election or defeat of a
20 clearly identified candidate or the adoption or rejection of a referendum or if the
21 disbursement is made or the obligation incurred to make a communication that is
22 specified in s. 11.01 (16) (a) 3. The exemption provided by this subsection shall in no
23 case be construed to apply to a political party, legislative campaign, personal
24 campaign or support committee.

25 SECTION 5. 11.06 (3) (b) of the statutes is repealed.

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1 SECTION 6. 11.12 (4) of the statutes is amended to read:

2 11.12 (4) Each registrant shall report contributions, disbursements and
3 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06
4 (2)-~~(3)~~ and (3m), each report shall contain the information which is required under
5 s. 11.06 (1).

6 SECTION 7. Initial applicability.

7 (1) The treatment of sections 11.06 (1) (intro.) and (3) (b) and 11.12 (4) of the
8 statutes first applies with respect to reporting periods which begin on or after the
9 effective date of this subsection.

10 (END)

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LRB-2614/1
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2001 ASSEMBLY BILL 155

March 1, 2001 - Introduced by Representatives MUSSER, TRAVIS and BOCK, cosponsored by Senators BURKE, HARS DORF, ERPENBACH, ROSENZWEIG and RISSER. Referred to Committee on Campaigns and Elections.

1 AN ACT *to repeal* 11.01 (5m), 11.01 (12s), 11.05 (3) (o), 11.05 (9) (b), 11.06 (11),
2 11.24 (1m), 11.26 (9) (c), 11.26 (12m), 11.265, 11.31 (2m), 11.50 (2) (h), 11.50 (2)
3 (i), 11.50 (3) and 13.625 (1) (c) 1. and 2.; *to renumber* 11.05 (2r) (title), 11.05
4 (9) (a), 11.24 (2) and 11.50 (7); *to renumber and amend* 11.05 (1), 11.05 (2),
5 11.05 (2r), 11.12 (6), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (9) and 13.625 (1) (c)
6 (intro.); *to amend* 5.02 (13), 7.08 (2) (c) and (cm), 7.70 (3) (e) 1., 8.30 (2), 8.35
7 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 10.02 (3) (b) 2m., 11.05 (3) (c), 11.05 (3)
8 (n), 11.05 (5), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),
9 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09
10 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19
11 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
12 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (a) to (c), 11.26 (2)
13 (a), 11.26 (4), 11.26 (8), 11.26 (9) (a) and (b), 11.26 (10), 11.31 (1) (intro.), 11.31
14 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (1) (a)

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1 3., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g),
2 11.50 (5), 11.50 (6), 11.50 (9) (title), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a), 13.625
3 (1) (b) 3., 13.625 (2), 13.625 (6), 15.61, 20.510 (1) (q), 25.42, 71.10 (3) (a), 71.10
4 (3) (b) and 71.26 (1) (a); *to repeal and recreate* 11.05 (9) (title) and 11.50 (4);
5 and *to create* 7.08 (2) (cs), 11.01 (13) and (20), 11.01 (16) (a) 3., 11.05 (1) (b),
6 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12
7 (6) (c) and (d), 11.12 (8) and (9), 11.19 (1m) and (6), 11.24 (1v), 11.24 (1w), 11.24
8 (4), 11.26 (8m), 11.26 (8n), 11.31 (1) (de), 11.31 (1m), 11.31 (3p), 11.31 (9), 11.50
9 (1) (a) 1 (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50
10 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (7) (bm), 11.50 (9) (a) 1. and 2.,
11 11.50 (9) (b) and (ba), 11.50 (14), 13.625 (3m), 20.855 (4) (ba), 71.05 (6) (a) 21.,
12 71.07 (5) (a) 9., 71.07 (6n), 71.10 (4) (cn), 71.26 (2) (b) 1g., 71.26 (3) (e) 4., 71.34
13 (1) (ad), 71.45 (2) (a) 16. and 806.04 (11m) of the statutes: **relating to:** campaign
14 financing, lobbying regulation, designations for the Wisconsin election
15 campaign fund by individuals filing state income tax returns, income and
16 franchise tax deductions for certain business expenses related to lobbying,
17 creating a nonrefundable individual income tax credit for certain campaign
18 contributions, composition and staffing of the elections board, providing
19 exemptions from emergency rule procedures, granting rule-making authority,
20 and making appropriations.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the lobbying regulation and income and franchise tax laws and to the composition and staffing of the elections board. Significant changes include:

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1 insert or write in the name of the elector's choice for a party candidate, if any. In order
2 to qualify for participation in the Wisconsin election campaign fund, a candidate for
3 state office at the September primary, other than a candidate for district attorney,
4 must receive at least ~~6%~~ 2% of all votes cast on all ballots for the office for which he
5 or she is a candidate, in addition to other requirements.

6 SECTION 9. 11.01 (5m) of the statutes is repealed.

7 SECTION 10. 11.01 (12s) of the statutes is repealed.

8 SECTION 11. 11.01 (13) and (20) of the statutes are created to read:

9 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of
10 substantially identical material.

11 (20) "Telephone bank operator" means any person who places or directs the
12 placement of telephone calls to individuals.

13 SECTION 12. 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 or a mass mailing, or through a telephone bank operator,
16 other than a communication that is exempt from reporting under s. 11.29, that is
17 made during the period beginning on the 60th day preceding an election and ending
18 on the date of that election and that includes a name or likeness of a candidate whose
19 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that
20 election, the name of an office to be filled at that election, or the name of a political
21 party.

22 SECTION 13. 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 registration~~

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LRB-4780/2
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2001 ASSEMBLY BILL 801

February 12, 2002 – Introduced by Representatives TRAVIS, MEYERHOFER, BERCEAU, BLACK, BOYLE, CARPENTER, CULLEN, HEBL, J. LEHMAN, MILLER, MUSSER, PLOUFF, REYNOLDS, SCHOOFF, SINICKI, STEINBRINK, TURNER and KAUFFERT, cosponsored by Senators ELLIS, ERPENBACH, COWLES, GEORGE, M MEYER, DECKER, HARSDORF, MOEN, PLACHE, ROBSON, SCHULTZ and WIRCH. Referred to Committee on Campaigns and Elections.

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (2m), 11.50
2 (2) (h), 11.50 (2) (i) and 11.50 (3); *to renumber* 11.05 (2r) (title), 11.24 (2), 11.50
3 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and amend* 11.05 (1), 11.05 (2), 11.05
4 (2r), 11.12 (6), 11.26 (9) (a), 11.26 (9) (b), 11.50 (9), 19.49 (5) and 19.59 (7); *to*
5 *amend* 5.02 (13), 7.08 (2) (c) and (cm), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4),
6 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05
7 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (4) (b), 11.06
8 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.06 (11) (c), 11.07 (1), 11.07 (5), 11.09 (3),
9 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title),
10 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21
11 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.25 (2) (b), 11.26 (1) (intro.), 11.26
12 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (10), 11.26 (12m), 11.31 (1)
13 (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a)
14 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g),

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1 11.50 (5), 11.50 (6), 11.50 (9) (title), 11.50 (11) (a), 11.50 (11) (e), 11.60 (4), 11.61
2 (i) (a), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.10 (3) (a) and 71.10 (3) (b):
3 *to repeal and recreate* 11.05 (9) (title) and 11.50 (4); and *to create* 7.08 (2)
4 (cs), 11.001 (2m), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05
5 (3) (r), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9),
6 11.20 (2s), 11.20 (2t), 11.24 (1w), 11.24 (4), 11.26 (2) (ad) to (au), 11.26 (8m), 11.26
7 (9) (a) 1. to 7., 11.26 (9) (b) 1. to 7., 11.31 (1) (de), 11.31 (1m), 11.31 (3p), 11.31
8 (9), 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and
9 (cm), 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50 (9) (b), (ba)
10 and (bb), 11.50 (14), 11.60 (3s) and (3t), 13.625 (3m), 19.42 (3m), (4g) and (4r),
11 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8)
12 (cm) and (cn), 20.855 (4) (ba) and 806.04 (11m) of the statutes; **relating to:**
13 **campaign financing, official action in return for providing or withholding**
14 **political contributions, services, or other things of value, lobbying regulation,**
15 **designations for the Wisconsin election campaign fund by individuals filing**
16 **state income tax returns, staffing of the elections board, providing exemptions**
17 **from emergency rule procedures, granting rule-making authority, making**
18 **appropriations, and providing penalties.**

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the income tax laws and to the staffing of the elections board. Significant changes include:

FILING OF CAMPAIGN FINANCE REPORTS

Exemptions from registration and reporting

Currently, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25

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cumulatively within a calendar year is potentially subject to requirements to register with the appropriate filing officer and to file campaign finance reports.

This bill provides that an individual who accepts contributions, makes disbursements, or incurs obligations or a group that makes or accepts contributions, makes disbursements, or incurs obligations in connection with one or more referenda is not subject to registration and reporting requirements until the individual or group engages in activity exceeding \$100 cumulatively within a calendar year.

The bill also permits an 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 \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions 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 with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements only if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

Electronic filing

Currently, reports under the campaign finance law must be filed by certain dates specified by law and must cover time periods specified by law. Candidates for state office or their personal campaign or authorized support committees and other individuals, committees, and groups supporting or opposing candidates for state office or statewide ballot questions file their reports with the state elections board. Each registrant for whom the elections board serves as a filing agency and who or that accepts contributions in a total amount or value of \$20,000 or more during a campaign period, or a biennial period for a registrant other than a candidate or personal campaign or support committee, must file reports with the board electronically. Any registrant who or that files a report electronically must also file a copy of the report recorded on a medium prescribed by the board.

This bill requires each committee that is currently required to file its campaign finance reports electronically to file those reports within 24 hours after a reportable transaction occurs. Under the bill, once a registrant becomes subject to an electronic reporting requirement, the requirement continues to apply until a termination report is filed, regardless of the level of continuing financial activity of the registrant. In accordance with current law, the bill also requires registrants who file electronically to file copies of reports, at the times currently prescribed by law, recorded on a medium prescribed by the board. The change applies effective with reports filed on or after the day on which the bill becomes law.

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

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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 communications which include a reference to a candidate at that election, an office to be filled at that election, or a political party. 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 of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a public grant (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 75% of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports, by electronic mail or facsimile transmission, with the elections board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The daily reports may be filed no later than 24 hours after each disbursement is made, and must include the information that is currently required to be reported pertaining to disbursements made by candidates. The daily reports must be filed during the time period beginning with the later of the date of the disbursement that triggers the requirement or the 7th day after the applicable primary election or the date that a primary would be held, if required, and ending with date of the election at which the candidate seeks office.

This bill also creates additional reporting requirements, applicable to certain special interest committees. Under the bill, reporting may be required of any special interest committee, other than a conduit, that intends to receive any contribution, make any disbursement, or incur any obligation to make a disbursement (as currently defined) independently of a candidate for the purpose of advocating the

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SECTION 8

1 ~~instruction~~, by the former candidate's next of kin if ~~the former candidate is deceased~~;
2 or

3 SECTION 9. 8.35 (4) (c) and (d) of the statutes are amended to read:

4 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
5 made and reported to the appropriate filing officer in a special report submitted by
6 the former candidate's campaign treasurer. If the former candidate is deceased and
7 was serving as his or her own campaign treasurer, the former candidate's petitioner
8 or personal representative shall file the report and make the transfer required by
9 par. (b), if any and file the report. The report shall be made in the manner provided
10 under s. 11.21 (16), if applicable, or otherwise at the appropriate interval under s.
11 11.20 (2) or (4) and shall include a complete statement of all contributions,
12 disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period
13 from the day after the last date covered on the former candidate's most recent report
14 to the date of disposition.

15 (d) The newly appointed candidate shall file his or her report in the manner
16 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate
17 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed
18 candidate shall include any transferred ~~funds~~ moneys in his or her first report.

19 SECTION 10. 11.001 (2m) of the statutes is created to read:

20 11.001 (2m) The legislature finds a compelling justification for minimal
21 disclosure of all communications made near the time of an election that include a
22 reference to a candidate at that election, an office to be filled at that election, or a
23 political party in order to permit increased funding for candidates who are affected
24 by those communications. This minimal disclosure burden is outweighed by the need

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SECTION 10

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1 to establish an effective funding mechanism for affected candidates to effectively
2 respond to communications that may impact an election.

3 SECTION 11. 11.01 (12s) of the statutes is repealed.

4 SECTION 12. 11.01 (16) (a) 3. of the statutes is created to read:

5 11.01 (16) (a) 3. A communication that is made by means of one or more
6 communications media, other than a communication that is exempt from reporting
7 under s. 11.29, that is made during the period beginning on the 60th day preceding
8 an election and ending on the date of that election and that includes a reference to
9 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
10 the ballot at that election, a reference to an office to be filled at that election, or a
11 reference to a political party.

12 SECTION 13. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
13 to read:

14 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
15 a personal campaign committee, ~~and every political group subject to registration~~
16 ~~under s. 11.23 which~~ that makes or accepts contributions, incurs obligations or
17 makes disbursements in a calendar year in an aggregate amount in excess of \$25
18 shall file a statement with the appropriate filing officer giving the information
19 required by sub. (3). In the case of any committee other than a personal campaign
20 committee, the statement shall be filed by the treasurer. A personal campaign
21 committee shall register under sub. (2g) ~~or (2f)~~

22 SECTION 14. 11.05 (1) (b) of the statutes is created to read:

23 11.05 (1) (b) Every political group subject to registration under s. 11.23 which
24 makes or accepts contributions, incurs obligations, or makes disbursements in a

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LRB-1764/1
JTK&RJM:cjs:jf

2001 SENATE BILL 2

January 12, 2001 – Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT *to repeal* 11.06 (3) (b); *to amend* 11.06 (1) (intro.), 11.06 (2) and 11.12
2 (4); and *to create* 11.01 (13) and (20) and 11.01 (16) (a) 3. of the statutes;
3 relating to: the scope of regulation and reporting of information by
4 nonresident registrants under the campaign finance law.

Analysis by the Legislative Reference Bureau

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objections of the assembly committee on campaigns and elections on February 16, 2000, and of the senate committee on economic development, housing and government operations on February 14, 2000, and the objection of the joint committee for review of administrative rules on April 14, 2000, to the issuance of clearinghouse rule number 99-150 by the elections board. The proposed rule relates to the subject of disclosure and record-keeping requirements under the campaign finance law.

Currently, individuals who accept contributions, organizations which make or accept contributions, or individuals who or organizations which 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 or organization that, within 60 days of an election and by means of a newspaper, periodical, commercial billboard,

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radio station, television station, mass mailing, or telephone bank operator, makes a communication which includes the name or likeness of a candidate at that election, an office to be filled at that election, or a political party. 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.

Currently, with certain exceptions, registrants under the campaign finance law are required to file regular reports with the appropriate filing officer or agency. The reports must identify contributors of more than \$20 cumulatively within a calendar year; the occupation and principal place of employment, if any, of each contributor whose cumulative contributions within a calendar year exceed \$100; the registrants from whom or to whom funds are transferred; other income exceeding \$20; contributions donated to a charitable organization or the common school fund; loans exceeding \$20 together with the identity of the lenders and guarantors, if any; disbursements (expenditures) and obligations exceeding \$20; and certain information from registrants making disbursements independently of candidates. However, if a registrant does not maintain an office or street address within this state, the registrant need only identify contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state or local office in this state.

This bill deletes the exception for registrants who or which do not maintain an office or street address within this state, so that these registrants are required to report the same information as other registrants.

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

1 SECTION 1. 11.01 (13) and (20) of the statutes are created to read:

2 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of
3 substantially identical material.

4 (20) "Telephone bank operator" means any person who places or directs the
5 placement of telephone calls to individuals.

6 SECTION 2. 11.01 (16) (a) 3. of the statutes is created to read:

7 11.01 (16) (a) 3. A communication that is made by means of one or more
8 communications media or a mass mailing, or through a telephone bank operator,
9 other than a communication that is exempt from reporting under s. 11.29, that is

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1 made during the period beginning on the 60th day preceding an election and ending
2 on the date of that election and that includes a name or likeness of a candidate whose
3 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that
4 election, the name of an office to be filled at that election, or the name of a political
5 party.

6 SECTION 3. 11.06 (1) (intro.) of the statutes is amended to read:

7 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), (3) and
8 (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full
9 reports, upon a form prescribed by the board and signed by the appropriate
10 individual under sub. (5), of all contributions received, contributions or
11 disbursements made, and obligations incurred. Each report shall contain the
12 following information, covering the period since the last date covered on the previous
13 report, unless otherwise provided:

14 SECTION 4. 11.06 (2) of the statutes is amended to read:

15 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
16 sub. (1), if a disbursement is made or obligation incurred by an individual other than
17 a candidate or by a committee or group which is not primarily organized for political
18 purposes, and the disbursement does not constitute a contribution to any candidate
19 or other individual, committee or group, the disbursement or obligation is required
20 to be reported only if the purpose is to expressly advocate the election or defeat of a
21 clearly identified candidate or the adoption or rejection of a referendum or if the
22 disbursement is made or the obligation incurred to make a communication that is
23 specified in s. 11.01 (16) (a) 3. The exemption provided by this subsection shall in no
24 case be construed to apply to a political party, legislative campaign, personal
25 campaign or support committee.

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SECTION 5

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1 SECTION 5. 11.06 (3) (b) of the statutes is repealed.

2 SECTION 6. 11.12 (4) of the statutes is amended to read:

3 11.12 (4) Each registrant shall report contributions, disbursements and
4 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06
5 (2); ~~(3)~~ and (3m), each report shall contain the information which is required under
6 s. 11.06 (1).

7 SECTION 7. Initial applicability.

8 (1) The treatment of sections 11.06 (1) (intro.) and (3) (b) and 11.12 (4) of the
9 statutes first applies with respect to reporting periods which begin on or after the
10 effective date of this subsection.

11 (END)

