

2013 DRAFTING REQUEST

Bill

Received: 10/18/2013 Received By: jkuesel
Wanted: Today Same as LRB:
For: Mary Lazich (608) 266-5400 By/Representing: Zach Bemis
May Contact: Drafter: jkuesel
Subject: Elections - campaign finance Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Lazich@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Disclosure of political activity

Instructions:

Per relevant portions of LRB-3342/P1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 10/18/2013	wjackson 10/18/2013		_____			
/P1	jkuesel 2/17/2014		jmurphy 10/21/2013	_____	lparisi 10/21/2013		
/P2	tkuczens 3/3/2014	wjackson 3/3/2014	jmurphy 2/18/2014	_____	lparisi 2/18/2014		
/1			rschluet	_____	lparisi	srose	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			3/3/2014	_____	3/3/2014	3/3/2014	

FE Sent For:

*none
needed*

<END>

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/1			rschluet	_____	lparisi		

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/P2		wjackson 2/18/2014	jmurphy 2/18/2014	_____	lparisi 2/18/2014		

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1 WJ 3/3


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/?	jkuesel 10/18/2013	wjackson 10/18/2013		_____			
/P1	<i>JK</i> <i>jkuesel</i> <i>2/17/14</i>	<i>WJ</i> <i>wjackson</i> <i>2/18</i>		_____	jmurphy 10/21/2013 <i>2/18</i>		lparisi 10/21/2013

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<END>

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12/8/11	jkuesel 11/18/13	/plwly 10/18		_____			
				jm 10/18			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

-3466/P1
LRB-342/P1
JTK&TKK/all:rs
WJ

Mar 10/21 - Am

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1
2
3
4
5
6
7

(regenerate)
AN ACT ~~to repeal 11.38 (2) (c); to renumber and amend 11.01 (16) (b); to~~
~~amend 11.01 (16) (intro.), 11.01 (16) (a) (intro.), 11.05 (3) (c), 11.06 (1) (intro.),~~
~~11.06 (1) (j), 11.12 (1) (d), 11.12 (4), 11.16 (1) (d), 11.29 (1), 11.30 (2) (a), 11.38~~
~~(title) and (1) (a) 1., 11.38 (1) (b) and 11.38 (8) (b); to repeal and recreate 11.01~~
~~(16) (a) 1.; and to create 11.01 (11g) and (11r), 11.01 (16) (b) 1., 11.05 (11g), 11.06~~
~~(1g), 11.25 (4) and 11.38 (1) (a) 4. to 7. of the statutes; relating to: various~~
~~changes in the campaign finance law.~~ *disclosure*
of political activity

Analysis by the Legislative Reference Bureau

This bill makes various changes in the campaign finance law. Significant provisions include:

Disclosure of political activity

Currently, with certain exceptions, 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 required to register with the appropriate filing officer or agency and to file financial reports with that officer or agency, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

This bill provides that registration and reporting requirements apply to any communication that contains certain explicit terms with reference to a clearly

identified candidate that expressly advocates the election or defeat of that candidate and unambiguously relates to that candidate. The bill also provides that these requirements do not apply to a communication made by an individual other than a candidate, or by an organization not organized exclusively for a political purpose if the communication does not expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a question at a referendum. The change in the scope of reportable activity under the bill also affects contribution limitations and prohibitions by causing the term “contribution” to exclude the cost of any communication that is not reportable under the bill.

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

SECTION 2

1 **SECTION 2.** 11.01 (16) (intro.) of the statutes is amended to read:

2 11.01 (16) (intro.) An act is for “political purposes” when it is done for the
3 purpose of influencing the election or nomination for election of any individual to
4 state or local office, for the purpose of influencing the recall from or retention in office
5 of an individual holding a state or local office, for the purpose of payment of expenses
6 incurred as a result of a recount at an election, or for the purpose of influencing a
7 particular vote at a referendum, except as provided in par. (b). In the case of a
8 candidate, or a committee or group which is organized primarily for the purpose of
9 influencing the election or nomination for election of any individual to state or local
10 office, for the purpose of influencing the recall from or retention in office of an
11 individual holding a state or local office, or for the purpose of influencing a particular
12 vote at a referendum, all administrative and overhead expenses for the maintenance
13 of an office or staff which are used principally for any such purpose are deemed to
14 be for a political purpose.

15 **SECTION 3.** 11.01 (16) (a) (intro.) of the statutes is amended to read:

16 11.01 (16) (a) (intro.) Acts which are for “political purposes” include ~~but are not~~
17 limited to:

18 **SECTION 4.** 11.01 (16) (a) 1. of the statutes is repealed and recreated to read:

19 11.01 (16) (a) 1. The making of a communication that contains one or more
20 terms such as the following or their functional equivalents with reference to a clearly
21 identified candidate that expressly advocates the election or defeat of that candidate
22 and that unambiguously relates to the campaign of that candidate:

23 a. “Vote for.”

24 b. “Elect.”

25 c. “Support.”

- 1 d. "Cast your ballot for."
- 2 e. "Smith for Assembly."
- 3 f. "Vote against."
- 4 g. "Defeat."
- 5 h. "Reject."

6 ~~SECTION 5.~~ 11.01 (16) (b) of the statutes renumbered 11.01 (16) (b) (intro.) and
7 is amended to read:

8 11.01 (16) (b) (intro.) A "political purpose" does not include expenditures;

9 2. An expenditure made for the purpose of supporting or defending a person
10 who is being investigated for, charged with or convicted of a criminal violation of state
11 or federal law, or an agent or dependent of such a person.

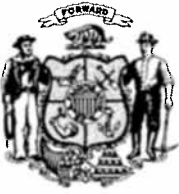
12 ~~SECTION 6.~~ 11.01 (16) (b) 1. of the statutes is created to read:

13 11.01 (16) (b) 1. A communication made by an individual other than a
14 candidate, or by an organization not organized exclusively for a purpose specified in
15 sub. (16) (intro.) if the communication does not expressly advocate the election or
16 defeat of a clearly identified candidate or the adoption or rejection of a question at
17 a referendum.

21 ~~SECTION 23.~~ **Initial applicability.**

1 (1) The treatment of section 11.01 (16) (intro.) and (b) 1. of the statutes first
2 applies with respect to communications made on the effective date of this subsection.

3 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3466/P

P2

JTK:wlj:jm

Tue 2/18 - AM

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to renumber and amend* 11.01 (16) (b); *to amend* 11.01 (16) (intro.) and
2 11.01 (16) (a) (intro.); *to repeal and recreate* 11.01 (16) (a) 1.; and *to create*
3 11.01 (16) (b) 1. of the statutes; **relating to:** disclosure of political activity.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, 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 required to register with the appropriate filing officer or agency and to file financial reports with that officer or agency, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

This bill provides that registration and reporting requirements apply to any communication that contains certain explicit terms with reference to a clearly identified candidate that expressly advocates the election or defeat of that candidate and unambiguously relates to that candidate. The bill also provides that these requirements do not apply to ~~a communication~~ made by an individual other than a candidate, or by an organization not organized exclusively for a political purpose if the ~~communication does not expressly advocate~~ the election or defeat of a clearly identified candidate or the adoption or rejection of a question at a referendum. The change in the scope of reportable activity under the bill also affects contribution

INS A

INS B

an expenditure
expenditure is no made for the purpose of expressly advocating

limitations and prohibitions by causing the term “contribution” to exclude the cost of any communication that is not reportable under the bill.

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

1 **SECTION 1.** 11.01 (16) (intro.) of the statutes is amended to read:

2 11.01 (16) (intro.) An act is for “political purposes” when it is done for the
3 purpose of influencing the election or nomination for election of any individual to
4 state or local office, for the purpose of influencing the recall from or retention in office
5 of an individual holding a state or local office, for the purpose of payment of expenses
6 incurred as a result of a recount at an election, or for the purpose of influencing a
7 particular vote at a referendum, except as provided in par. (b). In the case of a
8 candidate, or a committee or group which is organized ~~primarily~~ ^{exclusively} for the purpose of
9 influencing the election or nomination for election of any individual to state or local
10 office, for the purpose of influencing the recall from or retention in office of an
11 individual holding a state or local office, or for the purpose of influencing a particular
12 vote at a referendum, all administrative and overhead expenses for the maintenance
13 of an office or staff which are used principally for any such purpose are deemed to
14 be for a political purpose.

15 **SECTION 2.** 11.01 (16) (a) (intro.) of the statutes is amended to read:

16 11.01 (16) (a) (intro.) Acts which are for “political purposes” include ~~but are not~~
17 ~~limited to:~~

18 **SECTION 3.** 11.01 (16) (a) 1. of the statutes is repealed and recreated to read:

19 11.01 (16) (a) 1. The making of a communication that contains one or more
20 terms such as the following or their functional equivalents with reference to a clearly

1 identified candidate that expressly advocates the election or defeat of that candidate
2 and that unambiguously relates to the campaign of that candidate:

- 3 a. "Vote for."
4 b. "Elect."
5 c. "Support."
6 d. "Cast your ballot for."
7 e. "Smith for Assembly."
8 f. "Vote against."
9 g. "Defeat."
10 h. "Reject."

11 **SECTION 4.** 11.01 (16) (b) of the statutes renumbered 11.01 (16) (b) (intro.) and
12 is amended to read:

13 11.01 (16) (b) (intro.) A "political purpose" does not include expenditures;

14 2. An expenditure made for the purpose of supporting or defending a person
15 who is being investigated for, charged with or convicted of a criminal violation of state
16 or federal law, or an agent or dependent of such a person.

17 **SECTION 5.** 11.01 (16) (b) 1. of the statutes is created to read:

18 11.01 (16) (b) 1. ^{An expenditure} ~~A communication~~ made by an individual other than a
19 candidate, or by an organization not organized exclusively for a purpose specified in
20 sub. (16) (intro.) if the ~~communication does not expressly advocate~~ ^{expenditure is not made for the purpose of expressly advocating} the election or
21 defeat of a clearly identified candidate or the adoption or rejection of a question at
22 a referendum.

23 **SECTION 6. Initial applicability.**

1 (1) The treatment of section 11.01 (16) (intro.) and (b) 1. of the statutes first
2 applies with respect to ^{expenditures} ~~communications~~ made on the effective date of this subsection.

3 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3466/P2ins
JTK.....

INS A:

NO P

Currently, in the case of a committee or group *e that* ~~which~~ is organized primarily for the purpose of influencing the election or nomination for election of any individual to state or local office, for the purpose of influencing the recall from or retention in office of an individual holding a state or local office, or for the ~~the~~ purpose of influencing a particular vote in a referendum, all administrative and overhead expenses for the maintenance of an office or staff ~~which~~ are used principally for any such purpose are deemed to be for a political purpose. *e that*

INS B:

NO P

In addition, under the bill, administrative and overhead expenses by a committee or group are deemed to be for a political purpose only if the committee or group is organized exclusively for the purpose of influencing an election or nomination, a recall or retention in office, or a particular referendum vote.

Kuczenski, Tracy

From: Bemis, Zach
Sent: Monday, March 03, 2014 11:04 AM
To: Kuczenski, Tracy
Subject: FW: LRB 3466 (Campaign finance changes)

From: Kuesel, Jeffery
Sent: Monday, March 03, 2014 10:52 AM
To: Bemis, Zach
Subject: RE: LRB 3466 (Campaign finance changes)

Zach,
I must leave for a meeting but will be back to you this afternoon on this draft.

Jeff Kuesel

From: Bemis, Zach
Sent: Monday, March 03, 2014 8:44 AM
To: Kuesel, Jeffery
Subject: LRB 3466 changes

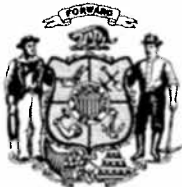
Hi Jeff,

I've spent some time looking over the language in Section 5 and think that it could be made a little clearer.

- Page 3, Line 22, after "organization" insert "that is"
- Page 3, Line 23, remove "is not made for the purpose of" and insert "does not"
- Page 3, Line 23, remove "advocating" and insert "advocate for"

Thanks,

Zach Bemis
Legislative Assistant
Office of State Senator Mary Lazich
28th Senate District
(608) 266-5400



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3466/P2

JTK:wlj:jm

Stays 12 MAR 12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3/3/14

How

Regen

- 1 AN ACT *to renumber and amend* 11.01 (16) (b); *to amend* 11.01 (16) (intro.) and
- 2 11.01 (16) (a) (intro.); *to repeal and recreate* 11.01 (16) (a) 1.; and *to create*
- 3 11.01 (16) (b) 1. of the statutes; **relating to:** disclosure of political activity.

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This bill provides that registration and reporting requirements apply to any communication that contains certain explicit terms with reference to a clearly identified candidate that expressly advocates the election or defeat of that candidate and unambiguously relates to that candidate. The bill also provides that these requirements do not apply to an expenditure made by an individual other than a candidate, or by an organization not organized exclusively for a political purpose if

Call

that is

the expenditure ^{g does} is not ~~made for the purpose of~~ ^g expressly ~~advocating~~ ^{g advocate for} the election or defeat of a clearly identified candidate or the adoption or rejection of a question at a referendum. In addition, under the bill, administrative and overhead expenses by a committee or group are deemed to be for a political purpose only if the committee or group is organized exclusively for the purpose of influencing an election or nomination, a recall or retention in office, or a particular referendum vote. The change in the scope of reportable activity under the bill also affects contribution limitations and prohibitions by causing the term “contribution” to exclude the cost of any communication that is not reportable under the bill.

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7 particular vote at a referendum, except as provided in par. (b). In the case of a
8 candidate, or a committee or group which is organized ~~primarily~~ exclusively for the
9 purpose of influencing the election or nomination for election of any individual to
10 state or local office, for the purpose of influencing the recall from or retention in office
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17 2. An expenditure made for the purpose of supporting or defending a person
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19 or federal law, or an agent or dependent of such a person.

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21 11.01 (16) (b) 1. An expenditure made by an individual other than a candidate,

22 or by an organization ^{that is} not organized exclusively for a purpose specified in sub. (16)

23 (intro.) if the expenditure ^{g does not} is not made for the purpose of ^{g advocate for} expressly advocating the

24 election or defeat of a clearly identified candidate or the adoption or rejection of a
25 question at a referendum.

Basford, Sarah

From: Sen.Lazich
Sent: Monday, March 03, 2014 11:55 AM
To: LRB.Legal
Subject: Draft Review: LRB -3466/1 Topic: Disclosure of political activity

Please Jacket LRB -3466/1 for the SENATE.