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LRB-4426/1 JTK:wlj:jf

## **2005 ASSEMBLY BILL 1005**

February 10, 2006 – Introduced by Representatives Travis, Townsend, Turner, Albers, Hebl, Musser, Lehman, Boyle, Cullen, Pope-Roberts and Berceau, cosponsored by Senators Ellis and Risser. Referred to Committee on Campaigns and Elections.

AN ACT to create 11.01 (14m) and 11.382 of the statutes; relating to: prohibition

of certain solicitations by state or local elective officials.

## Analysis by the Legislative Reference Bureau

This bill prohibits any elective state or local official from soliciting any money or other thing of value or acting in concert with any other person to solicit any money or other thing of value for or on behalf of 1) any committee that makes disbursements (expenditures) to advocate the election or defeat of a candidate for state or local office independently of any candidate for that office; 2) any organization that makes an expenditure for the purpose of making a communication containing a reference to a candidate for state or local office at an election in proximity to that election independently of any candidate for that office (commonly referred to as an "issue advocacy" expenditure); or 3) any organization that is subject to a reporting requirement under section 527 of the Internal Revenue Code (an organization that makes certain election-related expenditures that are not subject to a reporting requirement under the Federal Election Campaign Act).

Currently, there is no similar restriction.

Violators are subject to a forfeiture (civil penalty) not exceeding \$500 for each violation. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

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

## **ASSEMBLY BILL 1005**

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

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

**Section 1.** 11.01 (14m) of the statutes is created to read:

11.01 (14m) "Noncandidate election expenditure" means an expenditure made for the purpose of making a communication that is made during the period beginning on the 30th day preceding a primary election for an office to be filled at a general, special, or spring election and the date of that general, special, or spring election or, if no primary is held, during the period beginning on the 60th day preceding a general, special, or spring election at which an office is filled and the date of that election; that contains a reference to a clearly identified candidate for a state or local office to be filled at that election; that is made without cooperation or consultation with such a candidate, or any authorized committee or agent of such a candidate, or any authorized committee or suggestion of, such a candidate, or any authorized committee or agent of such a candidate.

**Section 2.** 11.382 of the statutes is created to read:

11.382 Certain solicitations by elective officials prohibited. No individual who holds a state or local office may solicit any money or other thing of value or act in concert with any other person to solicit any money or other thing of value for or on behalf of any committee that is required to file an oath under s. 11.06 (7), any organization that makes a noncandidate election expenditure; or any organization that is subject to a reporting requirement under section 527 of the Internal Revenue Code.

(END)