

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2001-02

[session year]

Assembly

[Assembly, Senate or Joint]

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

> **

> Executive Sessions ... ES

> **

> Record of Comm. Proceedings ... RCP

> **

*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

**

> Hearing Records ... HR (bills and resolutions)

> **01hr_ab0843_AC-CE_pt01**

> Miscellaneous ... Misc

> **

Vote Record

Assembly - Committee on Campaigns and Elections

Date: 2/21/02 Moved by: Freese Seconded by: Ladwig
 AB: 843 SB: _____ Clearinghouse Rule: _____
 AJR: _____ SJR: _____ Appointment: _____
 AR: _____ SR: _____ Other: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

as amended

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

- Rep. Stephen Freese, Chair
- Rep. Bonnie Ladwig
- Rep. Jeff Stone
- Rep. Jeff Fitzgerald
- Rep. David Travis
- Rep. Mark Pocan

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:

4 2 _____ _____



Motion Carried



Motion Failed

Vote Record

Assembly - Committee on Campaigns and Elections

1295/1

Date: 2/21/02
Moved by: [Signature] Seconded by: [Signature]
Clearinghouse Rule: _____
Appointment: _____
Other: _____

AB: 843 SB: _____
AJR: _____ SJR: _____
AR: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____
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A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- | | |
|--|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

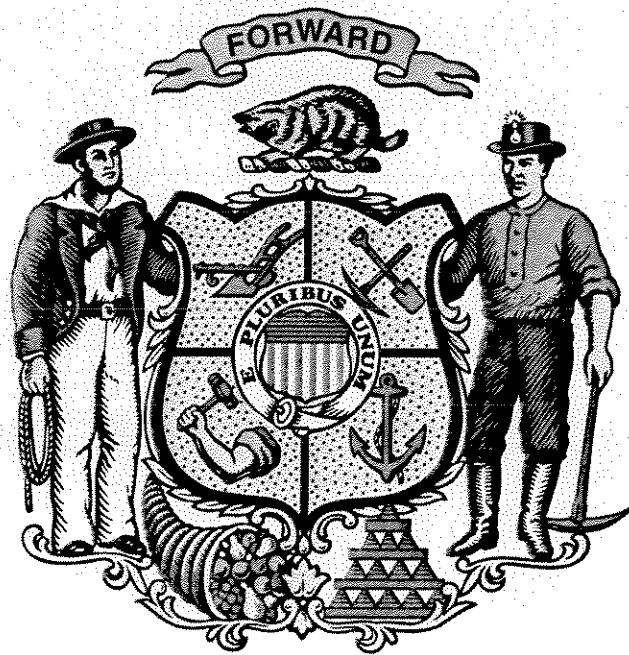
Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 4 0 _____

all amendments by unanimous consent

Motion Carried Motion Failed





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS

FROM: Robert J. Conlin, Senior Staff Attorney *RJC*

RE: Comparison Table of 2001 Assembly Bill 801 and LRB-2872/3

DATE: February 18, 2002

The attached table, prepared at the request of the committee, compares and summarizes the provisions of 2001 Assembly Bill 801 and LRB-2872/3. As you know, 2001 Assembly Bill 801 was introduced by Representative Travis and others; and cosponsored by Senator Ellis and others. Its provisions are identical to those of 2001 Engrossed Senate Bill 104. LRB-2872/3 is a proposed bill created by Representative Duff.

It should be noted that any comparison of any campaign finance proposals is difficult, but the comparison of two proposals which take significantly different routes to achieving reform is especially difficult. That is the case with the comparison of these two proposals. In short, Assembly Bill 801 seeks to reform the campaign finance system by increasing public funds available for campaign finance grants, increasing reporting requirements, and providing additional grants to respond to political ads and other disbursements outside of the candidate's control. LRB-2872/3, on the other hand, provides for a system that encourages individuals to participate in public financing by providing lower contribution limits to nonparticipating candidates and allows candidates to respond to certain outside expenditures by raising and spending additional private funds.

Accordingly, when reviewing the attached table, care should be exercised when trying to compare provisions that are not readily comparable.

Should you have any questions about the attached table, please feel free to contact me at the Legislative Council Staff offices.

RJC:rv;tlu

Attachment

Comparison of 2001 Assembly Bill 801 and LRB-2872/3

2001 ASSEMBLY BILL 801	LRB-2872/3
<p>A. REGISTRATION AND REPORTING REQUIREMENTS</p> <ul style="list-style-type: none"> <p><i>Independent Disbursements.</i> Provides that a special interest committee, other than a conduit, that intends to receive any contribution, make any disbursement, or incur any obligation for the purpose of independently advocating the election or defeat of a candidate for statewide or legislative office, or for the purpose of making certain communications, must report the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements to be made, and obligations to be incurred for these purposes during the 21-day period following the date on which the report is due to be filed. [A communication to which the requirements apply is a communication made by means of one or more communications media during the period beginning on the 60th day preceding an election and ending on the date of that election and that includes a reference to a candidate to appear on the ballot at the election, a reference to an office to be filled at the election, or a reference to a political party.] The reports must be filed on the 63rd, 42nd and 21st days prior to the election. In addition, the committee also must report the amount and date of each contribution received, disbursement made, or obligation incurred regarding its independent activities during the 21-day period ending on the 39th and 18th days prior to the election.</p> <p>A violation of the reporting requirements may result in a forfeiture of not more than \$500 per day for each day of the continued violation. Also, if a disbursement is made, or an obligation to make a disbursement is incurred, in an amount or value differing from the amount reported, then specified forfeitures must be paid. For example, if the actual amount or value differs from the reported figures by more than 5% but not more than 10% cumulatively, the violator must forfeit four times the amount or value of the difference. If the difference is more than 10% but not more than 15% cumulatively, the violator must forfeit six times the amount or value of the difference. If the difference is greater than these amounts, the violator must forfeit eight times the amount of the difference.</p> 	<ul style="list-style-type: none"> <p>No similar provision, but requires reporting within 24 hours of disbursements or obligations made independently of a candidate for a communication that advocates the election or defeat of a candidate within 21 days of an election and exceeding \$250.</p>

2001 ASSEMBLY BILL 801	LRB-2872/3
<ul style="list-style-type: none"> • <u>“Issue Ad” Registration.</u> Imposes registration and financial reporting requirements upon individuals or groups that make a communication during the period beginning on the 60th day preceding an election and ending on the date of the election that includes a reference to a candidate appearing on the ballot at that election, a reference to an office to be filled at that election, or a reference to a political party. 	<ul style="list-style-type: none"> • No similar provision, but provides that if a communication is made with an “independent expenditure” in a race against a candidate or for a candidate’s opponent, all candidates may be released from the applicable disbursement limits and have the contribution limits doubled if the communication made with “independent expenditures” is found to likely have an “unfair impact” on the race. • An “independent expenditure” is defined as an expenditure made for the purpose of making a communication during the 30-day period preceding a primary or the 60-day period preceding an election that contains a reference to a clearly identified candidate for an office to be filled at that election; that is made without cooperation or consultation with such a candidate; and that is not made in concert with, or at the request or suggestion of such a candidate. • The Elections Board must establish, by rule, standards for determining whether an independent expenditure is likely to have an unfair impact on a race based upon the percentage of eligible voters reached by the communication if it is made by a broadcast communications medium, the number of pieces of the material directed to residents of the contested jurisdiction if the communication is a mass mailing, or the cost of the communication for other types of communications.
<ul style="list-style-type: none"> • <u>Referenda Reports.</u> Requires an individual who accepts contributions, incurs obligations or makes disbursements with respect to a referendum, or a political group which similarly makes or accepts contributions, incurs obligations or makes disbursements, in excess of \$100 to file a statement with the appropriate filing officer providing registration information such as the name of the individual or group, the name of the treasurer, the nature of the referenda, and other identifying information. 	<ul style="list-style-type: none"> • Similar treatment.
<ul style="list-style-type: none"> • <u>Candidate’s Identity.</u> Requires the registration statement of a personal campaign committee to identify the candidate on whose behalf the committee was formed and the office that the candidate seeks. 	<ul style="list-style-type: none"> • No similar provision.

2001 ASSEMBLY BILL 801	LRB-2872/3
<ul style="list-style-type: none">• <u>Phone, Fax or Email of a Candidate.</u> Requires the registration statement of a candidate or personal campaign committee to include the telephone number and fax number or email address, if any, at which the candidate may be contacted.	<ul style="list-style-type: none">• No similar provision.
<ul style="list-style-type: none">• <u>Exemption From Independent Disbursement Report--State Office.</u> Provides that an individual or committee required to file an oath of independent disbursements and who or which accepts contributions and makes disbursements for supporting or opposing one or more candidates for <i>state office</i> but who or which does not anticipate accepting contributions or making disbursements in excess of \$1,000 in a calendar year and does not anticipate accepting a contribution exceeding \$100 from a single source may make a statement to that effect on the registration statement and the individual or committee would not be subject to any filing requirements if the statement is true. The statement may be revoked and, if it is, filing requirements apply. If revocation is not timely made, it is considered a violation of false reporting statutes. In contrast to an independent expenditure, an independent disbursement refers to an expenditure that is made clearly for the purpose of opposing the election of a grant recipient, or for the purpose of supporting a certified opponent of that candidate, when none of the disbursements are made in cooperation with the grant recipient's opponent.	<ul style="list-style-type: none">• No similar provision.
<ul style="list-style-type: none">• <u>Exemption From Independent Disbursement Report--Local Office.</u> Provides that an individual or committee required to file an oath of independent disbursements and who or which accepts contributions and makes disbursements for supporting or opposing one or more candidates for <i>local office</i> but who or which does not anticipate accepting contributions or making disbursements in excess of \$100 in a calendar year and does not anticipate accepting any contribution exceeding \$100 from a single source may make a statement to that effect on the registration statement and the individual or committee would not be subject to any filing requirements if the statement is true. The statement may be revoked and, if it is, filing requirements apply. If the revocation is not timely made, it is considered a violation of the false reporting statutes.	<ul style="list-style-type: none">• No similar provision.

2001 ASSEMBLY BILL 801	LRB-2872/3
<ul style="list-style-type: none"> • <u>24-Hour Reporting of Obligations.</u> Extends the 24-hour reporting requirement under current law for disbursements in excess of \$20 made within the last 15 days prior to an election to include the reporting of incurred obligations over \$20 in that time period. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>24-Hour Reporting for Candidates not Accepting Public Financing.</u> Provides that any candidate for Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Superintendent, Representative or Senator who does not accept a grant from the Wisconsin Election Campaign Fund (Fund) and who makes a disbursement after accumulating cash or who makes disbursements exceeding a combined total of 75% of the disbursement limit for the applicable office, must file daily reports with the Elections Board and each candidate for that office, by email or fax, on each day beginning with that date or the seventh day after the primary election was held (or would have been held), whichever is later. Each report must contain information pertaining to each disbursement made by the candidate or committee and must be filed no later than 24 hours after the disbursement is made. If no email or fax number is available, the report must be filed at the address shown for the candidate. 	<ul style="list-style-type: none"> • No similar provision, but requires a candidate at a primary or other election to file weekly preprimary or preelection reports once he or she has received contributions or other income exceeding 20% of the disbursement level for that office.
<ul style="list-style-type: none"> • <u>Timely Reports.</u> Provides that a report is timely filed only by delivering it to the appropriate filing office or agency by the due date or by depositing the report with the U.S. Postal Service no later than the third day before the due date. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Out-of-State Registrants.</u> No provision. 	<ul style="list-style-type: none"> • Requires out-of-state registrants to report the same information concerning contributions, transfers, loans, disbursements, and obligations as in-state registrants. [Under current law, such out-of-state registrants need only report such transactions involving Wisconsin sources or campaigns.]
<ul style="list-style-type: none"> • <u>Duplicate Filing.</u> No provision. 	<ul style="list-style-type: none"> • Requires registrants whose filing officer is the Elections Board and who make disbursements in connection with elections affecting only one county or a portion thereof to file duplicate originals of these reports with the filing officer of each jurisdiction in which such elections are held.

2001 ASSEMBLY BILL 801	LRB-2872/3																																																										
<p>B. CONTRIBUTIONS</p>																																																											
<p>• <u>Individual Contribution Limits.</u> Retains the individual contribution limits under current law for certain offices as follows:</p>	<p>• Modifies individual contribution limits for the following offices:</p>																																																										
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	<p>Candidates for local office</p> <p>The greater of:</p> <ul style="list-style-type: none"> • 250; or • one cent times population of jurisdiction, but not more than \$3,000 																																																										

2001 ASSEMBLY BILL 801	LRB-2872/3																																																
	<ul style="list-style-type: none"> • Further provides that for a candidate who does not accept a grant and does not file an affidavit of voluntary compliance with the disbursement limits, the individual contribution limits for that candidate are 50% of the above amounts. • Creates a quadrennial cost of living adjustment for individual contributions beginning in 2006. 																																																
<ul style="list-style-type: none"> • <u>Committee Contribution Limits.</u> Modifies committee contribution limits for certain offices as follows: <table border="0" data-bbox="131 716 829 1230"> <thead> <tr> <th></th> <th style="text-align: center;"><i>Current</i></th> <th style="text-align: center;"><i>Bill</i></th> </tr> </thead> <tbody> <tr> <td>Governor</td> <td style="text-align: right;">\$43,128</td> <td style="text-align: right;">\$45,000</td> </tr> <tr> <td>Lieutenant Governor</td> <td style="text-align: right;">\$12,939</td> <td style="text-align: right;">\$15,000</td> </tr> <tr> <td>Attorney General</td> <td style="text-align: right;">\$21,560</td> <td style="text-align: right;">\$25,000</td> </tr> <tr> <td>Secretary of State</td> <td style="text-align: right;">\$8,625</td> <td style="text-align: right;">\$10,000</td> </tr> <tr> <td>Treasurer</td> <td style="text-align: right;">\$8,625</td> <td style="text-align: right;">\$10,000</td> </tr> <tr> <td>Superintendent</td> <td style="text-align: right;">\$8,625</td> <td style="text-align: right;">\$10,000</td> </tr> <tr> <td>Justice</td> <td style="text-align: right;">\$8,625</td> <td style="text-align: right;">\$10,000</td> </tr> <tr> <td>Senator</td> <td style="text-align: right;">\$1,000</td> <td style="text-align: right;">\$1,000</td> </tr> <tr> <td>Representative</td> <td style="text-align: right;">\$500</td> <td style="text-align: right;">\$500</td> </tr> </tbody> </table> 		<i>Current</i>	<i>Bill</i>	Governor	\$43,128	\$45,000	Lieutenant Governor	\$12,939	\$15,000	Attorney General	\$21,560	\$25,000	Secretary of State	\$8,625	\$10,000	Treasurer	\$8,625	\$10,000	Superintendent	\$8,625	\$10,000	Justice	\$8,625	\$10,000	Senator	\$1,000	\$1,000	Representative	\$500	\$500	<ul style="list-style-type: none"> • Modifies committee contribution limits for certain offices as follows: <table border="0" data-bbox="829 684 1520 1146"> <tbody> <tr> <td>Governor</td> <td style="text-align: right;">\$43,500</td> </tr> <tr> <td>Lieutenant Governor</td> <td style="text-align: right;">\$12,000</td> </tr> <tr> <td>Attorney General</td> <td style="text-align: right;">\$22,000</td> </tr> <tr> <td>Secretary of State</td> <td style="text-align: right;">\$8,650</td> </tr> <tr> <td>Treasurer</td> <td style="text-align: right;">\$8,650</td> </tr> <tr> <td>Superintendent</td> <td style="text-align: right;">\$12,000</td> </tr> <tr> <td>Justice</td> <td style="text-align: right;">\$12,000</td> </tr> <tr> <td>Senator</td> <td style="text-align: right;">\$1,500</td> </tr> <tr> <td>Representative</td> <td style="text-align: right;">\$750</td> </tr> </tbody> </table> • Amounts subject to indexing quadrennially. 	Governor	\$43,500	Lieutenant Governor	\$12,000	Attorney General	\$22,000	Secretary of State	\$8,650	Treasurer	\$8,650	Superintendent	\$12,000	Justice	\$12,000	Senator	\$1,500	Representative	\$750
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<ul style="list-style-type: none"> • <u>Overall Individual Contribution Limits.</u> Retains the overall individual contribution limit at \$10,000 per year. 	<ul style="list-style-type: none"> • Similar treatment, but amount is subject to indexing quadrennially. 																																																
<ul style="list-style-type: none"> • <u>Contributor Information.</u> Requires a campaign treasurer of a registrant that receives a contribution of money from an individual who has contributed over \$100 to obtain information relating to the person's occupation and principal place of employment before depositing the contribution. If the treasurer does not obtain this information, the contribution must be returned. 	<ul style="list-style-type: none"> • No similar provision. 																																																
<ul style="list-style-type: none"> • <u>Contributions by and to Certain Federal Registrants.</u> No provision. 	<ul style="list-style-type: none"> • Prohibits a federal candidate committee from making a contribution to a Wisconsin candidate or personal or support committee of that candidate, and prohibits a personal campaign committee from making a contribution to a federal political registrant. 																																																

2001 ASSEMBLY BILL 801	LRB-2872/3																														
<p>• <u>Committee Contributions in General.</u> Provides, for the following state offices, that an individual who is a candidate may not receive or accept more than the following fixed dollar amounts from political party committees or all committees other than political party committees:</p> <table border="0" data-bbox="126 483 815 976"> <thead> <tr> <th></th> <th style="text-align: center;"><i>Political Parties</i></th> <th style="text-align: center;"><i>Other Committees</i></th> </tr> </thead> <tbody> <tr> <td>Governor</td> <td style="text-align: right;">\$400,000</td> <td style="text-align: right;">\$485,190</td> </tr> <tr> <td>Lieutenant Governor</td> <td style="text-align: right;">\$100,000</td> <td style="text-align: right;">\$145,564</td> </tr> <tr> <td>Attorney General</td> <td style="text-align: right;">\$100,000</td> <td style="text-align: right;">\$242,550</td> </tr> <tr> <td>Secretary of State</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Treasurer</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Superintendent</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Justice</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$97,031</td> </tr> <tr> <td>Senator</td> <td style="text-align: right;">\$24,000</td> <td style="text-align: right;">\$15,525</td> </tr> <tr> <td>Representative</td> <td style="text-align: right;">\$12,000</td> <td style="text-align: right;">\$7,763</td> </tr> </tbody> </table> <p>For all other state or local offices, the bill provides that a candidate may not receive and accept more than 20% of the value of the total disbursement level for the office for which he or she is a candidate during any primary or election campaign combined from all political party committees. Further, no such candidate may receive and accept more than 25% of the value of the total disbursement level combined from all committees other than political party committees subject to a filing requirement. [<i>Current law provides that a candidate may not receive more than 65% of the disbursement level from all political party committees and no more than 45% of the disbursement level combined from all committees other than political party committees.</i>]</p>		<i>Political Parties</i>	<i>Other Committees</i>	Governor	\$400,000	\$485,190	Lieutenant Governor	\$100,000	\$145,564	Attorney General	\$100,000	\$242,550	Secretary of State	\$50,000	\$97,031	Treasurer	\$50,000	\$97,031	Superintendent	\$50,000	\$97,031	Justice	\$50,000	\$97,031	Senator	\$24,000	\$15,525	Representative	\$12,000	\$7,763	<p>• Essentially retains current law, but provides for indexing quadrennially.</p>
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<p>• <u>Committee Contributions to Publicly Financed Candidates.</u> Prohibits a candidate or personal campaign committee who applies for a grant from the Fund from accepting a contribution from a committee other than a political party committee.</p>	<p>• No similar provision.</p>																														

2001 ASSEMBLY BILL 801	LRB-2872/3
<ul style="list-style-type: none">• <u>Contributions to Incumbents During Legislative Session.</u> Prohibits contributions to any incumbent partisan state elective official for the purpose of promoting that official's nomination for reelection to the office held by the official during the period beginning on the first Monday in January of odd-numbered years and ending on the date of enactment of the biennial budget act.	<ul style="list-style-type: none">• With certain exceptions, prohibits a member of the Legislature or his or her campaign committee to make any contribution in connection with a fundraising social event held in Dane County during a floorperiod or a special or extraordinary session if the event is held to benefit a member or member's personal campaign committee. Provides a forfeiture of up to \$500 for each violation, and a fine of up to \$1,000 and up to six months imprisonment, or both, for intentional violations.
<ul style="list-style-type: none">• <u>Contributions to Political Parties.</u> Increases, for political parties, the amount they may receive in a biennium from all committees, excluding transfers between party committees of the party, from \$150,000 to \$450,000.	<ul style="list-style-type: none">• Increases the amount political parties may receive in a biennium from all committees, excluding transfers within the state political party committee, from \$150,000 to \$600,000. Amount is to be indexed quadrennially.
<ul style="list-style-type: none">• <u>Political Party Limits.</u> Increases the maximum amount a political party may receive from a committee, exclusive of political party committees, and increases the amount a committee, other than a political party committee, can contribute to a political party in a calendar year from \$6,000 to \$18,000.	<ul style="list-style-type: none">• Provides that a state political party committee may receive no more than \$20,000 in contributions from any specific committee or that specific committee's subunits or affiliates, excluding transfers within the state political party committee and transfers between the state political party committee and a local political party committee. Also provides that no committee, other than a state political party committee or local political party committee, may make a contribution of more than \$20,000 to a state political party in a calendar year. Amounts to be indexed quadrennially.• Also provides that no local political party committee may receive more than a total of the following amounts of contributions in any biennium from all other committees, excluding transfers within the local political party committee:<ol style="list-style-type: none">1. \$75,000 if the committee operates primarily in a county with a population of more than 350,000.2. \$50,000 if the committee operates primarily in a county with a population between 100,000 and 350,000.3. \$25,000 if the committee operates primarily in a county with a population under 100,000.These amounts are subject to indexing quadrennially.

2001 ASSEMBLY BILL 801	LRB-2872/3
	<ul style="list-style-type: none">• Provides that no local political party committee may receive more than a total of \$6,000 in any calendar year from any specific committee or that specific committee's subunits or affiliates, excluding transfers within the local political party committee and transfers between the local political party committee and a state political party committee. Amount is subject to indexing quadrennially.• Provides that no committee, other than a state political party committee or local political party committee, may make any contribution to a local political party committee in a calendar year exceeding \$6,000. Amount is subject to indexing quadrennially.
<ul style="list-style-type: none">• <u>PAC to PAC Transfers.</u> Prohibits a committee from making a contribution to any other committee, except a political party committee, personal campaign or support committee. However, allows a committee affiliated with a labor organization to make a contribution to any other committee that is affiliated with the same labor organization.	<ul style="list-style-type: none">• No similar provision.
<ul style="list-style-type: none">• <u>Solicitation of Contributions.</u> Prohibits a state elective official and his or her personal campaign committee from soliciting a lobbyist or principal to arrange for another person to make a campaign contribution to that official or personal campaign committee or to another elective state official or the personal campaign of that official.	<ul style="list-style-type: none">• No similar provision.
<ul style="list-style-type: none">• <u>Pay-to-Play.</u> Prohibits a state or local elected official from, directly or by means of an agent, giving, or offering or promising to give, or withholding, or offering or promising to withhold, his or her vote or influence, or promising to take or refrain from taking official action with respect to any proposed or pending matter in consideration of or upon condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under the campaign finance law or any person making a communication that contains a reference to a clearly identified state or local elected official or to a candidate for such an office. The bill also provides for forfeitures for violations of the "pay-to-play" prohibition.	<ul style="list-style-type: none">• Same treatment.

<i>2001 ASSEMBLY BILL 801</i>			<i>LRB-2872/3</i>	
C. DISBURSEMENTS				
<ul style="list-style-type: none"> • <i>Disbursement Limits.</i> Revises the disbursement levels for the following offices: 			<ul style="list-style-type: none"> • Revises the disbursement levels for the following offices: 	
	<i>Current</i>	<i>Bill</i>		
Governor	\$1,078,200	\$2,000,000	Governor	\$2,750,000
Lieutenant Governor	\$323,475	\$500,000	Lieutenant Governor	\$400,000
Attorney General	\$539,000	\$700,000	Attorney General	\$750,000
Secretary of State	\$215,625	\$250,000	Secretary of State	\$300,000
Treasurer	\$215,625	\$250,000	Treasurer	\$300,000
Superintendent	\$215,625	\$250,000	Superintendent	\$400,000
Justice	\$215,625	\$300,000	Justice	\$400,000
Senator	\$34,500	\$100,000	Senator	\$112,500
Representative	\$17,250	\$50,000	Representative	\$45,000
			Court of Appeals >500,000 pop.	\$400,000
			Circuit Judge/DA >500,000 pop.	\$400,000
			Circuit Judge/DA 300,000-500,000 pop.	\$300,000
			Circuit Judge/DA 150,000-300,000 pop.	\$200,000
			Circuit Judge/DA 75,000-150,000 pop.	\$115,000
			Circuit Judge/DA 50,000-75,000 pop.	\$67,500
			Circuit Judge/DA 30,000-50,000 pop.	\$40,000
			Circuit Judge/DA 15,000-30,000 pop.	\$25,000
			Circuit Judge/DA 5,000-15,000 pop.	\$10,000
			Circuit Judge/DA 2,000-5,000 pop.	\$3,500
			Circuit Judge/DA <2,000 pop.	\$1,500
			County Executive >500,000 pop.	\$269,500
			County Supervisor >500,000 pop.	\$17,250

2001 ASSEMBLY BILL 801	LRB-2872/3												
	<table border="0"> <tr> <td>Other countywide offices >500,000 pop.</td> <td>\$107,825</td> </tr> <tr> <td>Mayor in first class city</td> <td>\$269,550</td> </tr> <tr> <td>City Attorney in first class city</td> <td>\$161,725</td> </tr> <tr> <td>Other citywide offices in first class city</td> <td>\$107,825</td> </tr> <tr> <td>Aldersperson in first class city</td> <td>\$17,250</td> </tr> <tr> <td>Other local candidates <500,000 pop.</td> <td>The greater of: <ul style="list-style-type: none"> • 1,075 • 53.91% of salary • 32.35 cents per inhabitant up to \$43,125 </td> </tr> </table> <ul style="list-style-type: none"> • All amounts are subject to indexing quadrennially. 	Other countywide offices >500,000 pop.	\$107,825	Mayor in first class city	\$269,550	City Attorney in first class city	\$161,725	Other citywide offices in first class city	\$107,825	Aldersperson in first class city	\$17,250	Other local candidates <500,000 pop.	The greater of: <ul style="list-style-type: none"> • 1,075 • 53.91% of salary • 32.35 cents per inhabitant up to \$43,125
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Other local candidates <500,000 pop.	The greater of: <ul style="list-style-type: none"> • 1,075 • 53.91% of salary • 32.35 cents per inhabitant up to \$43,125 												
<ul style="list-style-type: none"> • <u>Competitive Primary.</u> Provides that the total disbursement limitation for a candidate whose name appears on the ballot at a primary election will be increased to 120% of the normal disbursement level for that office if all of the following conditions occur: <ol style="list-style-type: none"> 1. The candidate receives less than twice as many votes at that election as another candidate who is within the same political party and who is running for the same office. 2. The candidate has an opponent in the general or special election who received at least 6% of the votes cast in the primary. 	<ul style="list-style-type: none"> • No similar provision. 												
<ul style="list-style-type: none"> • <u>Voluntary Limits.</u> Repeals the provision authorizing voluntary disbursement limitations for candidates who do not accept a grant from the Fund. 	<ul style="list-style-type: none"> • Retains the voluntary disbursement limitations for candidates who do not accept a grant from the fund. Requires the filing of an affidavit in order to be bound by the limitations. 												
<ul style="list-style-type: none"> • <u>Limits Increased for Grants.</u> Provides that the disbursement limitation for a candidate who receives certain additional grants from the fund are increased by the amount of those grants. 	<ul style="list-style-type: none"> • No similar provision. 												

2001 ASSEMBLY BILL 801	LRB-2872/3								
<ul style="list-style-type: none"> • <u>Cost-of-Living Adjustment.</u> Creates a cost-of-living adjustment for the disbursement limitations, which is to be determined by rule by the Elections Board. The board must determine the percentage difference between the Consumer Price Index for the 12-month period ending on December 31 of each odd-numbered year and the Consumer Price Index for calendar year 2003. Each biennium the Elections Board is required to adjust the disbursement limitations by that percentage to reflect any difference, rounded to the nearest multiple of \$25, which shall be in effect until a subsequent rule is promulgated. Such determinations by the Elections Board may be promulgated as emergency rules. 	<ul style="list-style-type: none"> • Similar treatment, but adjustment is made quadrennially beginning in 2006 and applies to most contribution limits as well. 								
<ul style="list-style-type: none"> • <u>Federal Candidate Disbursements.</u> No provision. 	<ul style="list-style-type: none"> • Provides that no federal candidate committee may make a disbursement. 								
<p><u>D. Public Financing</u></p> <ul style="list-style-type: none"> • <u>Grant Amounts.</u> Retains the grant amount available to a candidate at the current level of 45% of the disbursement level for a general election. An additional 10% of the disbursement level may be awarded for an eligible primary campaign. To receive the additional 10%, a candidate who accepts a grant must have won a contested primary and submitted nomination papers containing the following number of valid signatures for the office he or she seeks: <table border="0" data-bbox="142 1276 743 1451"> <thead> <tr> <th style="text-align: left;"><i>Office</i></th> <th style="text-align: left;"><i>Number of Signatures</i></th> </tr> </thead> <tbody> <tr> <td>Statewide office</td> <td>Not less than 4,000 electors</td> </tr> <tr> <td>Senator</td> <td>Not less than 800 electors</td> </tr> <tr> <td>Representative</td> <td>Not less than 400 electors</td> </tr> </tbody> </table>	<i>Office</i>	<i>Number of Signatures</i>	Statewide office	Not less than 4,000 electors	Senator	Not less than 800 electors	Representative	Not less than 400 electors	<ul style="list-style-type: none"> • Retains the grant amount at 45% for eligible candidates at the general election with the following exceptions: <ul style="list-style-type: none"> ◆ The total grant available for the Office of Justice is 65% of the disbursement level and that office will enjoy a "first draw" on available grant funds. ◆ If a grant candidate has a balance in his or her account that exceeds 50% of the applicable disbursement limit at the time of application, the amount of the grant is 50% of the amount otherwise payable. ◆ If a grant candidate does not have an opponent whose application for a grant has been approved, the amount of the grant is 50% of the amount otherwise payable. • Grants will be prorated if insufficient funds.
<i>Office</i>	<i>Number of Signatures</i>								
Statewide office	Not less than 4,000 electors								
Senator	Not less than 800 electors								
Representative	Not less than 400 electors								
<ul style="list-style-type: none"> • <u>Extra Grant Based on Opposition.</u> Provides that in the case of a candidate who accepts a grant, and is opposed by one or more candidates who do not accept a grant and who make total disbursements exceeding the disbursement level for the office, the Elections Board must make an additional grant to the candidate in an amount equal to the total amount or value of the disbursements made by the opposing candidate or candidates exceeding the disbursement levels for that office. 	<ul style="list-style-type: none"> • No extra grant, but as under current law if an opponent who receives 6% of the votes in a primary does not accept a grant and does not file an affidavit of voluntary compliance, the grant candidate is not bound by the contribution limits and disbursement limits. 								

<p><i>2001 ASSEMBLY BILL 801</i></p>	<p><i>LRB-2872/3</i></p>
	<ul style="list-style-type: none"> • Also provides that if a candidate determines that his or her opponent who has not filed an affidavit of voluntary compliance has made disbursements exceeding the disbursement limit, then that candidate and each of his or her opponents may make additional contributions to their own campaigns and may make additional disbursements exceeding the applicable limit in an amount equal to the lesser of the total contributions made by the opposing candidate to his or her own campaign or the amount by which the total disbursements made by the opposing candidate exceed the disbursement level applicable to that candidate. In addition, the contribution limits are doubled for the candidate and all the opponents.
<ul style="list-style-type: none"> • <u>Extra Grant Based on Independent Disbursements.</u> Provides that if a candidate who accepts a grant has independent disbursements made against him or her or if the independent disbursements are made on behalf of the candidate's opponent, the Elections Board must make an additional grant to the candidate when the expenditures exceed 10% of the disbursement limit for the office. The amount of the additional grant must equal the total of the independent disbursements made. Again, the disbursements include a disbursement made for a communication made by one or more communications media during the period beginning on the 60th day preceding an election and ending on the date of the election and that includes a reference to a candidate, a reference to an office to be filled at that election, or a reference to a political party. 	<ul style="list-style-type: none"> • No extra grant, but if a candidate has filed an affidavit of voluntary compliance with the disbursement limits and each of the candidate's opponents have done so, and if the candidate determines that one or more independent expenditures have been made for the purpose of making a communication in opposition to the candidate or in support of an opponent and a communication is likely to have an unfair impact on the campaign, the candidate may file a sworn statement to this effect with the Elections Board. • Upon receipt of such a statement and if the board determines that an independent expenditure was made and it is likely to have an unfair impact in the race, the board must, within three days, issue a determination that the candidate and each of his or her opponents are not bound by disbursement limitations and that the contribution limits are doubled.
<ul style="list-style-type: none"> • <u>Extra Grant Based on Contributions Received by Opposing Committee.</u> Provides that if a candidate who accepts a grant and is opposed by a candidate, and if a committee intends to receive or receives any contribution or contributions that are intended to be used or that are used to oppose the election of the candidate who accepts a grant or to support his or her opponent without cooperation or consultation with the opponent, then the Elections Board must make an additional grant to the candidate who accepts a grant in an amount equal to the total amount of contributions received by the committee for the purpose of advocating the election of the opponent or for opposing the election of the candidate who accepts a grant. 	<ul style="list-style-type: none"> • No similar provision.

2001 ASSEMBLY BILL 801	LRB-2872/3
<ul style="list-style-type: none"> • <u>Increased Checkoff.</u> Increases the income tax "checkoff" from \$1 to \$5 and allows the individual making such designation to indicate whether the amount shall be placed in the Fund's "general account" or "political party account." If a designation does not indicate which account, the "general account" will be credited. 	<ul style="list-style-type: none"> • Similar treatment, but creates a "true checkoff" of up to \$5 whereby a person's tax liability or refund is affected. • Provides up to a \$5 nonrefundable income tax credit for the "checkoff."
<ul style="list-style-type: none"> • <u>Donations to the Fund.</u> Authorizes contributions that are required to be returned or donated to charitable organizations or to the common school fund to be transferred to the Fund. 	<ul style="list-style-type: none"> • Similar treatment.
<ul style="list-style-type: none"> • <u>Party Accounts.</u> Establishes a "general account" and a "political party account" under the Fund. 	<ul style="list-style-type: none"> • Similar treatment. A candidate may receive funds from the "general account" only if the candidate receives at least 6% of the primary vote. However, a candidate need not meet this requirement for a grant from a "political party account."
<ul style="list-style-type: none"> • <u>Limits on Committee Contributions.</u> Requires applicants for a grant to file a sworn statement that he or she has not accepted and retained any contributions from committees, other than political party committees, and that he or she will not accept any, unless it is determined that he or she is ineligible for a grant. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Qualifying Fundraising.</u> Requires an applicant for a grant to have raised at least 3% of the disbursement level applicable to the office sought in contributions of \$100 or less from individuals who reside in the state, and, for a legislative candidate, by individuals at least 50% of whom reside in a county having territory within the legislative district for which the candidate seeks office. 	<ul style="list-style-type: none"> • Similar treatment, but most candidates would have to raise 5% of the disbursement level and Senate and Assembly candidates would have to raise 7% of the disbursement level.
<ul style="list-style-type: none"> • <u>Applications.</u> Repeals the current authority for an eligible candidate to withdraw his or her public financing application. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Exceeding Disbursement Limit.</u> Repeals the current law provisions which allow a candidate who receives a grant to exceed the disbursement limit if his or her opponent does not accept a grant. 	<ul style="list-style-type: none"> • No similar provision. (See Extra Grant Based on Opposition.)
<ul style="list-style-type: none"> • <u>Return of Committee Contribution.</u> Requires a candidate applying for a grant to return any contributions from committees, other than the political party committees, before filing an application for the grant. 	<ul style="list-style-type: none"> • No similar provision.

2001 ASSEMBLY BILL 801	LRB-2872/3
<ul style="list-style-type: none"> • <u>Designated Checkoff.</u> Allows individuals to designate their income tax checkoff for a political party and requires such designated funds to go to a "political party" account. Moneys from such an account are apportioned to eligible candidates representing the party who qualify for grants. 	<ul style="list-style-type: none"> • Similar treatment.
<ul style="list-style-type: none"> • <u>Supplemental Account.</u> Provides that if there are insufficient funds in the Fund, the State Treasurer is required to supplement the Fund from a sum sufficient GPR appropriation. 	<ul style="list-style-type: none"> • No similar provision. Grant funds prorated if sufficient funds not available.
<ul style="list-style-type: none"> • <u>Electronic Transfer.</u> Requires the State Treasurer to electronically transfer any supplemental grants a candidate qualifies for to the candidate's campaign depository account if the Treasurer has the necessary account information. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Administration.</u> Requires the Elections Board to certify to the Department of Revenue (DOR) in each even-numbered year information relevant to eligible political parties and candidates for purposes of administering the Fund. 	<ul style="list-style-type: none"> • Similar treatment.
<p>E. OTHER</p> <ul style="list-style-type: none"> • <u>Conduits.</u> Limits conduit transfers to amounts not to exceed committee contributions. 	<ul style="list-style-type: none"> • No similar provision. Essentially retains current law. However, requires each registrant which receives contributions from a conduit to file a separate schedule developed by the Elections Board which identifies the name and address of the conduit, the date and amount of each transfer, and the total amount transferred by the conduit for each year.
<ul style="list-style-type: none"> • <u>Legislative Campaign Committees.</u> Eliminates the special status of legislative campaign committees. 	<ul style="list-style-type: none"> • Same treatment.
<ul style="list-style-type: none"> • <u>Public Information.</u> Creates a public information account, which is funded by up to 5% of the Fund, to be used by the Elections Board to provide public information on the income tax "checkoff" and the purpose and effect of public campaign financing. The Elections Board is required to prepare an easily understood description of the purposes and effect of the checkoff and public financing. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Local Prosecutions.</u> Authorizes the District Attorney of any county which has territory within the jurisdiction or district within which a candidate seeks office to bring an action for violation of campaign finance laws alleged to have been committed by the candidate. 	<ul style="list-style-type: none"> • No similar provision.

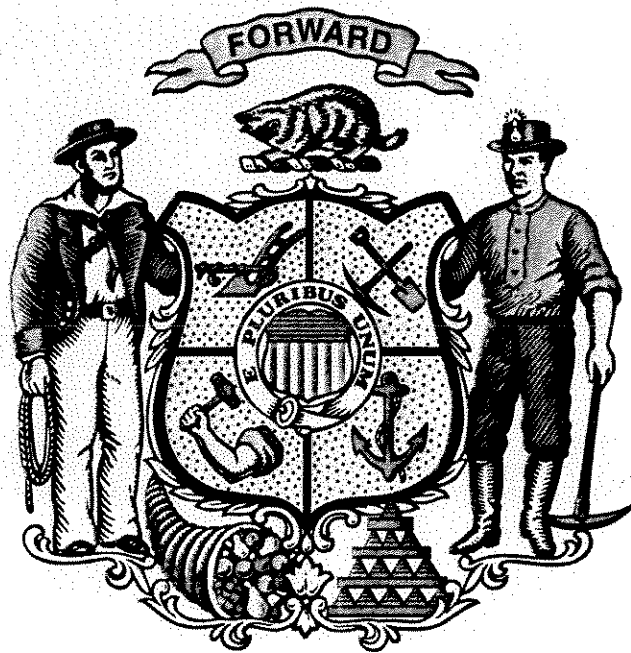
<p align="center">2001 ASSEMBLY BILL 801</p>	<p align="center">LRB-2872/3</p>
<ul style="list-style-type: none"> • <u>Tax Information.</u> Requires DOR to place public information materials concerning the tax checkoff prepared by the Elections Board in tax return instructions. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Declaratory Actions.</u> Authorizes any person who proposes to publish, disseminate or broadcast any communication, or any person who causes such publication, dissemination or broadcast, to commence a declaratory action to determine the application of the registration requirements under the campaign finance law to that person. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Nonseverability.</u> Provides that if a court finds unconstitutional any part of the process by which supplemental grants are made in response to an opponent's expenditures, the entire act is void. Further, if a court finds unconstitutional any part of the process by which supplemental grants are made in response to independent disbursements, then that process is void in its entirety. 	<ul style="list-style-type: none"> • No special severability provision.
<ul style="list-style-type: none"> • <u>Board Staff.</u> Increases the full-time equivalent staff positions at the Elections Board to add one campaign finance investigator and one auditor and provide \$76,100 in fiscal year 2001-02 and \$85,100 for fiscal year 2002-03 for salary, fringe and support benefits. 	<ul style="list-style-type: none"> • No similar provision.
<ul style="list-style-type: none"> • <u>Election Complaint Procedure.</u> No provision. 	<ul style="list-style-type: none"> • Creates an additional procedure for enforcement of the election laws in which any person may file a sworn complaint with the executive director of the Elections Board alleging a violation of the election laws. The executive director must investigate the complaint unless the executive director finds the complaint to be without merit. The executive director may also investigate any violation on his or her own initiative or at the direction of the board. The executive director may order an election official or private person to act in conformity with the election laws or rules of the board. The decision of the executive director may be appealed to the board. In deciding the appeal, the board is not bound by any findings or conclusions of the executive director. Any decision of the board is subject to court review. The board must periodically examine and review decisions issued under this procedure in order to clarify and improve the administration of the election laws.

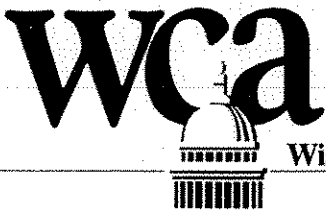
2001 ASSEMBLY BILL 801	LRB-2872/3
<ul style="list-style-type: none">• <u>Injunctive Relief.</u> No provision.	<ul style="list-style-type: none">• Requires that an elector who proposes to bring suit for injunctive relief under current law with respect to an alleged violation concerning an election for state office or a statewide referendum must first file a sworn complaint with the executive director of the Elections Board, and if the executive director does not order the relief sought within 10 days and the elector does not appeal the matter to the board, or the board, after a hearing, does not order the relief sought by the elector, the elector may then sue for injunctive relief.
<ul style="list-style-type: none">• <u>Penalties.</u> No provision.	<ul style="list-style-type: none">• Increases the forfeiture amount for a violation of the campaign finance law, except a contribution violation, from \$500 to \$1,500.• Increases the forfeiture applicable to a person who files a delinquent report from the greater of \$50 or 1% of the relevant salary for the office to the greater of \$150 or 3% of the relevant salary.• Increases the maximum penalties that may be imposed for intentional violations of the campaign finance laws relating to registration requirements, contribution limitations, the prohibition in filing false reports, and other provisions from \$1,000 and six months imprisonment, if the violation does not exceed \$100 and \$10,000 and four years and six months imprisonment if the violation exceeds \$100, to \$3,000 and one year imprisonment for violations under \$100 and \$30,000 and nine years imprisonment for violations over \$100.
<ul style="list-style-type: none">• <u>Public Broadcasting.</u> No provision.	<ul style="list-style-type: none">• Provides that public broadcasting television stations and public access channels must provide free airtime for candidates for state office. The Elections Board must promulgate rules that require public broadcasting television stations and public access channel operators to provide a minimum amount of free time to candidates for state office. The rules must require public access channel operators and public television stations to offer the same amount of time to each candidate for a particular state office, but may require different amounts of time to be offered to candidates for different offices.

<i>2001 ASSEMBLY BILL 801</i>	<i>LRB-2872/3</i>
<ul style="list-style-type: none">• <u>Conversion of Accounts</u>. No provision.	<ul style="list-style-type: none">• Prohibits the personal campaign committee or support committee of a candidate for state office from becoming the personal campaign or support committee of a candidate for local office.• Prohibits the personal campaign committee or support committee of a candidate for local office from becoming the personal campaign or support committee of a candidate for state office.

Table prepared by Robert J. Conlin, Senior Staff Attorney
Legislative Council Staff
February 18, 2002

RJC:tlu:ksm:jal:rv;rv;jal;tlu





MEMORANDUM

TO: Honorable Members of the Assembly Committee on Campaigns and Elections

FROM: Jennifer Sunstrom, Legislative Associate JS

DATE: February 19, 2002

SUBJECT: LRB -2872/3 - Campaign Finance Reform

The Wisconsin Counties Association (WCA) appreciates the opportunity to present comments on LRB - 2872/3, which seeks to make comprehensive changes to Wisconsin's campaign finance laws.

The cost of running campaigns for state elections has increased significantly over the last few years. We believe that the increased burden on candidates to raise campaign contributions places special interest groups in a position of undue power, relative not only to local governments but also to candidates for state office as well. For this reason, the Wisconsin Counties Association's Board of Directors decided to sponsor an advisory referendum that asked the people if Wisconsin's campaign finance laws should be reformed. On November 7, 2000, over 90% of the people in 56 of Wisconsin's counties voted that they wanted the Legislature to enact campaign finance reform that would create a more fair system of campaign operations.

The language agreed upon by our Board of Directors addressed three main issues: spending limits; stricter contribution limits; and prompt reporting requirements. The question was specifically broad so that a clear message would be sent to the Legislature and the administration that the people of Wisconsin want reform without limiting that reform to one plan over another.

WCA believes that LRB - 2872/3 is a step in the right direction; however, the bill in its current form does not meet this intent. WCA believes that the independent spending component needs to be strengthened and contribution limits should be reduced, rather than increased as indicated by the statewide referendum.

Although WCA supports AB 801 over LRB - 2872/3 as currently drafted, we are not opposed to changes that are necessary to reach a compromise that will garner bipartisan support. We encourage both sides of the aisle to work together to strike the proper balance and will continue to give our support and assistance throughout the legislative process.

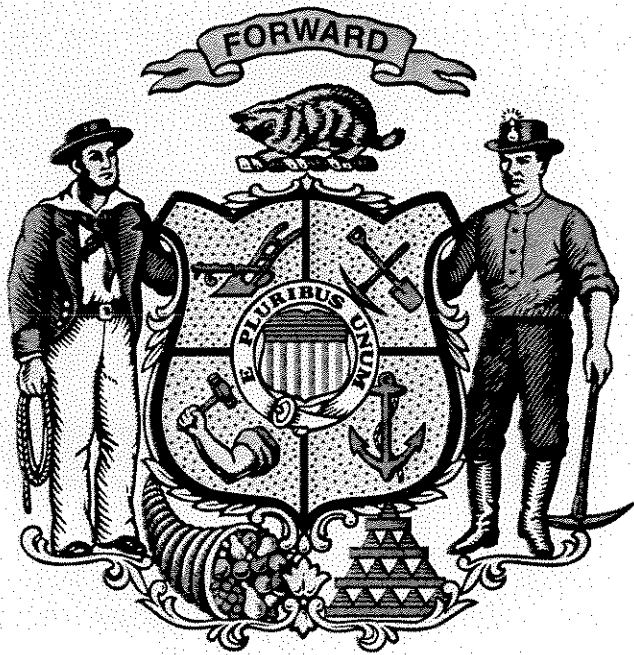
Thank you for considering our comments.

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716 ♦ 608/224-5330 ♦ 800/922-1993 ♦ Fax 608/224-5325

Mark D. O'Connell, Executive Director

Craig M. Thompson, Legislative Director

Lynda L. Bradstreet, Administrative Director



AB 843

WISCONSIN EDUCATION ASSOCIATION COUNCIL

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Testimony before the Assembly Campaigns and Elections Committee
On LRB 2872, the "Duff Bill"
February 19, 2002

The Wisconsin Education Association Council (WEAC) supports campaign finance reforms that are comprehensive, equitable, and practical. WEAC further believes the reforms must respect the constitutional rights of Wisconsin citizens.

WEAC is supportive of the concepts in LRB 2872 and believes with a few minor changes it can become a comprehensive and equitable reform that is practical and meets constitutional standards. With the recognition that there are vastly different views on the issue of Campaign Finance Reform within the membership of each chamber of the legislature, WEAC believes this proposal is a serious attempt to bring some sort of bipartisan agreement to a vote.

This Bill Requires Minimal Disclosure of Issue Ads, and Puts Provisions in Place for Candidates to Respond to Independent Expenditures.

Modeled after the Impartial Justice Bill, LRB 2872 creates a new definition of "independent expenditure" which would include communications made from 30 days prior to a primary or 60 prior to an election that include a "reference to a clearly identified candidate." This definition would be used only for the purpose of providing those who are the subject of the independent expenditure communications to raise and spend additional resources to respond to those independent expenditure communications.

Under this proposal, if a candidate is the object of independent expenditures or if their opponent is the beneficiary of independent expenditures, then the affected candidate would be released from their disbursement level on a dollar for dollar basis in relation to the cost of the independent expenditures. In order to raise the additional amounts, a candidate can receive money from a political party, PAC, and individual contribution limits would be doubled.

Addressing Constitutionality Questions

As WEAC considers proposed campaign finance reforms, one of our bottom lines is that the reforms must respect the constitutional rights of Wisconsin citizens. We have opposed a number of bills over the years because the bills' authors have ignored the constitutional issues involved.

Representative Duff, on the other hand, has looked closely at the constitutional quagmire confronting campaign finance reform and has developed a proposal designed to effect major reform that is constitutional. We cannot say with certainty that every aspect of the bill will be found constitutional, but we can say that a strong argument for constitutionality can be made.

Stan Johnson, President
Michael A. Butera, Executive Director

The Re-Definition of "Independent Expenditures" is a Sound Constitutional Approach.

The independent expenditure provisions are a good example of how the bill attempts to work within the constitutional framework of campaign finance reform. It respects the one point that courts have made over and over again: that making independent expenditures is core First Amendment activity, subject only to reporting requirements, and not monetary limitations. Any proposed legislation cannot be seen as chilling or limiting the ability of those wishing to engage in such speech.

With the new definition of independent expenditure, the bill searches for a middle ground in the struggle between campaign reform advocates and free speech defenders. It does not attempt to define as "political" all of the ads with references to candidates (which would make protected Issue Advocacy subject to full registration and reporting), but rather puts those ads in a category for candidates to get released from their disbursement and contribution limits only.

Under this bill any group that runs an ad within 30 days of a primary election or within 60 days of a general election that include a "reference to a clearly identified candidate" would be required to report to the elections board how much the group spent on the communication and whether the communication was intended to support or oppose the identified candidate. This minimal disclosure is a sound approach that has a strong chance of withstanding a court challenge.

Courts have disagreed on the issue of state funded supplemental grants for Independent Expenditures. In 1994, the U.S. Court of Appeals for the 8th Circuit found a constitutional violation with state supplemental grants (*Day v. Holahan*). In 2000, in *Daggett v. Commission on Government Ethics*, the U.S. Court of Appeals for the 1st Circuit rejected the argument that providing a matching grant impairs the speech of the person or organization making an independent expenditure.

Since the Duff proposal doesn't provide additional state grants, but rather lifts disbursement and contribution limits to allow candidates to respond to independent expenditure, the bill has a strong constitutional leg to stand on, unlike so many other bills that have been introduced in recent years.

Reporting Of Independent Expenditures After The Communication Is Made Rather Than When A Disbursement Is Made Strengthens The Constitutionality Argument.

Another positive aspect of the bill is that it requires disclosure only after a communication is made by an independent group. There is no unconstitutional requirement to pre-report First Amendment activity, which is in other bills. The release of disbursement and spending limits is properly linked to actual communications funded by independent expenditures, as opposed to proposed spending. In the real world of campaigns, money is sometimes spent or obligations are made in anticipation of making a communication, but the communication is ultimately never made. It would raise both practical and constitutional problems if disbursement and contribution limits were released for a communication that was never made.

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Unlike AB 801/SB104's 21-day pre-reporting requirement, this proposal's requirement to report only after the communication, not the disbursement, blunts the often-argued "Prior Restraint" on free speech.

Adjusts Spending and Contribution Limits to Reflect the Increased Cost of Campaigns

Spending and contributions limits have not been changed in Wisconsin since 1977 and it is time to bring them in line with today's cost of campaigns. Because of the chronically low voluntary spending limits, many candidates refuse public funding. This bill sets voluntary spending limits in line with the actual costs of campaigns therefore increasing the likelihood of candidates taking public funding.

Additionally, spending and contributions are linked to the CPI thus allowing for continual inflationary increases, forever getting past the fix we are in.

Sets Up a Structure that Will Get More Money Into the Public Financing System

The current \$1 dollar GPR check-off does not raise enough revenue to even fund our current levels and needs to be changed. According to the Legislative Fiscal Bureau, the Wisconsin Election Campaign Fund generates around \$325,000 a year annually.

The Duff proposal changes the current \$1 tax check-off with an increased \$5 "true" check-off that would add to a person's tax liability. However, any Wisconsin taxpayer with a tax liability would be eligible for a \$5 dollar tax credit if they gave to the fund. If taxpayer check-offs continue at the same rate we will see an increase of \$1.3 million dollars a year to the fund.

Additionally, the bill sets up party accounts so that citizens may direct their check-off into party or a general account. Having partisan check-offs will entice our political parties and constituency groups to organize and encourage citizens to participate in the system.

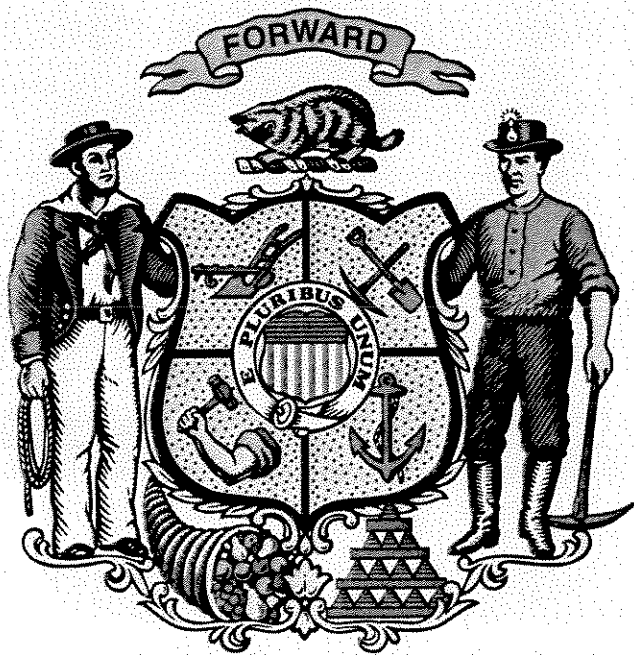
Some Issues Need to be Addressed Before WEAC Can Fully Support the Bill.

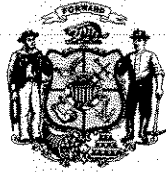
Inclusion of the Drafter's note that a cross reference must be added to section 11.06 (2) so that a potential loophole for Issue Ads is closed will have to be added prior to our official support.

Additionally, a severability clause needs to be added so that a court ruling could not have a dramatic effect on the balance created by this bill. WEAC believes that if any part of the provisions for releasing candidates from disbursement limits and increasing contribution limits based upon independent spending is found unconstitutional, that entire portion of the bill should be stricken.

With those two provisions and some other minor adjustments WEAC believes that LRB 2872 would be a proposal worth supporting.

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Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

**CAMPAIGN FINANCE REFORM ADVANCES IN THE
ASSEMBLY**

**FOR IMMEDIATE RELEASE
FEBRUARY 21, 2002**

**CONTACT: REP. FREESE
608-266-7502**

MADISON...A bill delivering comprehensive campaign finance reform was approved today by the Assembly Committee on campaigns and elections. The bill, AB 843, was approved by the committee today on a 4-2 vote. Representative Steve Freese (R-Dodgeville), chairman of the committee, said the bill breathed new life into campaign finance reform efforts that had appeared to be stalled in the state Senate.

"With the state Senate gridlocked on this important issue, the Assembly has moved forward," said Freese. "It is my hope that our Assembly action will keep reform alive and give the state Senate the push they need to get back to work on cleaning up the way we fund campaigns."

The bill includes major portions of SB 104 and campaign finance reform provisions proposed by the Kettl Commission. Freese said the reforms in the bill are designed to create more accountability and openness in the way campaigns are financed. The bill drew support from both the Wisconsin Education Association Council and Wisconsin Realtors Association.

"We have taken major pieces of the various comprehensive reform plans that have been forwarded over the years and put them together in a package that has been able to gain the support of both business and labor," said Freese. "This plan is balanced, fair, and will help restore the public's confidence in our campaign system."

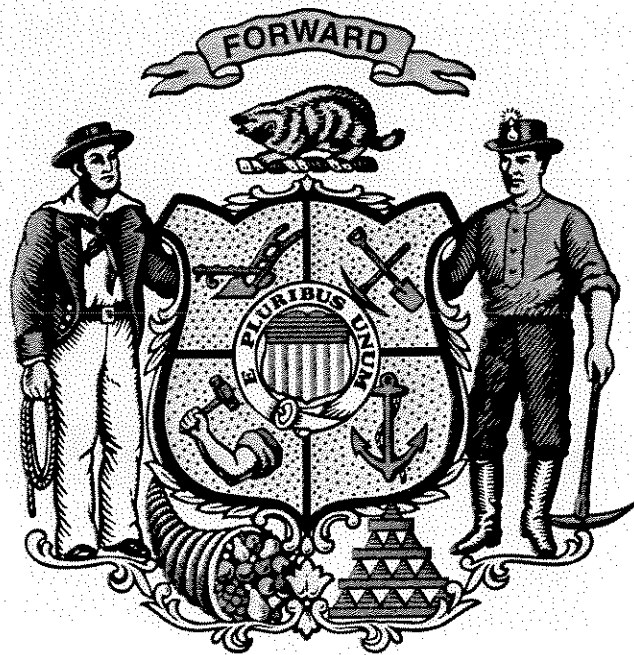
Freese said he was disappointed Democrats on the committee refused to support the comprehensive reform proposal.

"Yesterday the Minority Leader spent the day pulling Democrat co-authors off this bill and today democrats voted on a party-line vote against these reforms. That is extremely cynical and disappointing," said Freese. "It is becoming clear that the Democrat leadership is more intent on killing reform in the legislature so they can keep the issue alive on the campaign trail than they are in getting the people's work done."

###

Fifty-First Assembly District

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789



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Memorandum

TO: Members of the Wisconsin State Assembly

FROM: John Stocks, Assistant Executive Director for Public Affairs
Wisconsin Education Association Council

RE: **Support Assembly Bill 843 as amended by the Assembly Campaigns
and Elections Committee with the adoption of LRB 01A1336/1 to
Assembly Amendment 1.**

DATE: February 25, 2002

The Wisconsin Education Association Council encourages you to support AB 843 as amended by Assembly Amendment 1.

WEAC supports AB 843 and believes it is comprehensive and equitable reform that is practical and meets constitutional standards. Key provisions of the bill include:

Requiring Minimal Disclosure of Issue Ads, and Giving Candidates the Ability to Respond to Independent Expenditures.

Modeled after the Impartial Justice Bill, AB 843 defines "independent expenditure" as communications made 30 days prior to a primary or 60 days prior to a general election that include a "reference to a clearly identified candidate." Any group that engages in "independent expenditures" would be required to report its spending (including phony issue ads.)

Under AB 843, if a candidate is the object of independent expenditures or if his or her opponent is the beneficiary of independent expenditures, then the affected candidate would be released from their disbursement level on a dollar for dollar basis in relation to the cost of the independent expenditures. In order to raise the additional amounts, a candidate can receive money from a political party, PAC, and individual contribution limits would be doubled.

Stan Johnson, President
Michael A. Butera, Executive Director

Adjusting Spending and Contribution Limits to Reflect the Increased Cost of Campaigns

Spending and contributions limits have not been changed in Wisconsin since 1977 and it is time to bring them in line with today's cost of campaigns. Because of the chronically low voluntary spending limits, many candidates refuse public funding. This bill sets voluntary spending limits in line with the actual costs of campaigns (\$45,000 for an Assembly race), therefore increasing the likelihood of candidates taking public funding.

Additionally, spending and contributions are linked to the CPI, thus allowing for continual inflationary increases, forever getting past the fix we are in.

Setting Up a Structure that Will Get More Money Into the Public Financing System

The current \$1 GPR check-off does not raise enough revenue to even fund our current grant levels and needs to be changed. According to the Legislative Fiscal Bureau, the Wisconsin Election Campaign Fund generates around \$325,000 a year.

AB 843 changes the current \$1 tax check-off with an increased \$5 "true" check-off that would add to a person's tax liability. However, Wisconsin taxpayers with a tax liability would be eligible for a \$5 dollar tax credit if they gave to the fund. If taxpayer check-offs continue at the same rate we will see an increase of \$1.3 million a year to the fund.

Additionally, the bill sets up party accounts so that citizens may direct their check-off into a party account or a general account. Having partisan check-offs will entice our political parties and constituency groups to organize and encourage citizens to participate in the system.

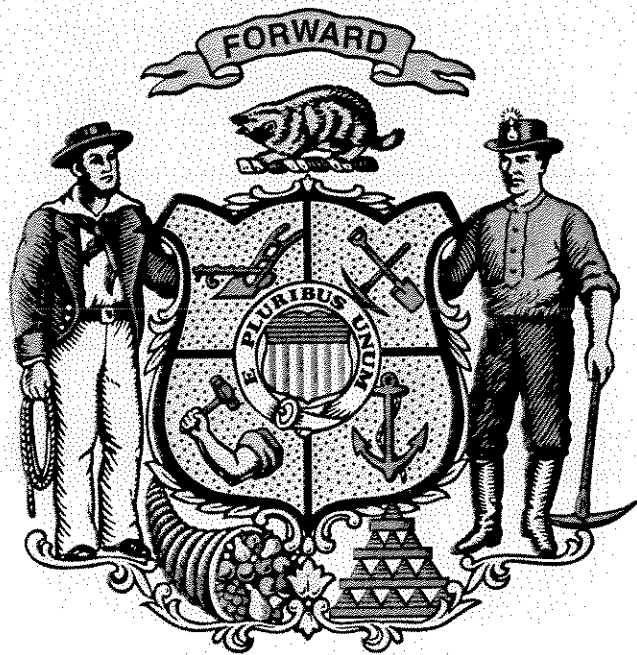
Severability Clause

Additionally, WEAC urges the adoption of LRB 01A1336/1 to Assembly Amendment 1, a technical amendment meant to strengthen the severability clause of AB 843.

The Wisconsin Education Association Council believes strongly that this bill needs passage and will treat the vote on this bill as a weighted roll call vote.

WEAC supports the adoption of LRB 01A1336/1 to Assembly Amendment 1, the adoption of Assembly Amendment 1, and the passage of AB 843 as amended.

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Griffiths, Terri

From: Richard, Rob
Sent: Monday, February 25, 2002 1:08 PM
To: Griffiths, Terri
Subject: FW: AB 843/Campaign Finance Reform



Unknown
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Card for Lisa Meyer

-----Original Message-----

From: Lisa Meyer [mailto:lmeyer@chorus.net]
Sent: Monday, February 25, 2002 1:01 PM
To: Ainsworth, Rep. John; Albers, Rep. Sheryl; Black, Rep. Spencer;
Bock, Rep. Peter; Boyle, Rep. Frank; Carpenter, Rep. Timothy; Coggs,
Rep. Spencer; Cullen, Rep. David; Duff, Rep. Marc; Freese, Rep. Steve;
Gronemus, Rep. Barbara; Grothman, Rep. Glenn; Gunderson, Rep. Scott;
Hahn, Rep. Eugene; Hebl, Rep. Tom; Hoven, Rep. Tim; Huber, Rep. Greg;
Hubler, Rep. Mary; Huebsch, Rep. Michael; Jensen, Rep. Scott; Jeskewitz,
Rep. Suzanne; Johnsrud, Rep. DuWayne; Kaufert, Rep. Dean; Kedzie, Rep.
Neal; Kreibich, Rep. Robin; Kreuser, Rep. James; Krug, Rep. Shirley;
Krusick, Rep. Peggy; La Fave, Rep. John; Ladwig, Rep. Bonnie; Lasee,
Rep. Frank; Lehman, Rep. John; Lehman, Rep. Michael; Morris-Tatum, Rep.
Johnnie; Musser, Rep. Terry; Nass, Rep. Stephen; Olsen, Rep. Luther;
Ott, Rep. Al; Owens, Rep. Carol; Plale, Rep. Jeff; Powers, Rep. Mike;
Reynolds, Rep. Martin; Riley, Rep. Antonio; Ryba, Rep. John; Schneider,
Rep. Marlin; Seratti, Rep. Lorraine; Skindrud, Rep. Rick; Staskunas,
Rep. Tony; Steinbrink, Rep. John; Sykora, Rep. Tom; Turner, Rep. Bob;
Underheim, Rep. Gregg; Urban, Rep. Frank; Vrakas, Rep. Daniel; Walker,
Rep. Scott; Ward, Rep. David; Wasserman, Rep. Sheldon; Wieckert, Rep.
Steve; Williams, Rep. Annette; Wood, Rep. Wayne; Young, Rep. Leon;
Ziegelbauer, Rep. Bob; Balow Rep. Larry; Berceau Rep. Terese; Colon Rep.
Pedro; Gundrum, Rep. Mark; Hundertmark, Rep. Jean; Kestell, Rep. Steve;
Lassa, Rep. Julie; Leibham, Rep. Joseph; Meyerhofer, Rep. Lee; Miller,
Rep. Mark; Montgomery, Rep. Phil; Petrowski, Rep. Jerry; Pettis, Rep.
Mark; Pocan, Rep. Mark; Rhoades, Rep. Kitty; Richards, Rep. Jon;
Schooff, Rep. Dan; Sherman, Rep. Gary; Sinicki, Rep. Christine; Suder,
Rep. Scott; Townsend, Rep. John; Foti, Rep. Steve; Gard, Rep. John;
Plouff, Rep. Joe; Travis, Rep. David; Stone, Rep. Jeff; Friske, Donald;
McCormick, Terri; Wade, Joan; Bies, Rep. Gary; Fitzgerald, Rep. Jeff;
Krawczyk, Rep. Judy; Lippert, Rep. MaryAnn; Loeffelholz, Rep. Gabe;
Shilling, Rep. Jennifer; Starzyk, Rep. Samantha
Subject: AB 843/Campaign Finance Reform

Date: February 25, 2002

To: Members of the Wisconsin Assembly

From: Dennis Boyer, Lobbyist, AFSCME Council 11

Re: AB 843/Campaign Finance Reform

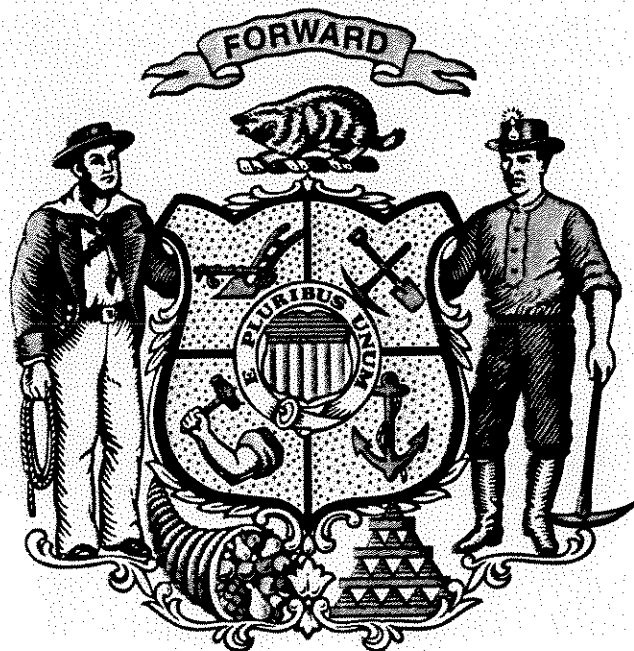
It is our understanding that you will soon have an opportunity to consider the above proposal. We respectfully request that you take it up, debate as you will, and pass it in order to put the State Senate in a position to discuss it and react to it.

You may detect by my tone that I do not view this as the ideal piece of legislation. But we should all realize that we are in a time frame and political environment where further zeal for the ideal extinguishes any hope of accomplishing something real. It is hardly a secret that many would prefer that nothing at all happen. It is widely suspected that some back away from bipartisan discussions on this topic the minute they show promise. Unfortunately for the Legislature, these maneuvers and insincere gestures are increasingly transparent to the public, the media, and the array of reform coalitions who demand accountability.

AFSCME supports the call by Voters First to convene a conference committee on the subject of campaign finance reform. We believe that a vote on this bill promotes that end and sets the stage for more substantive discussions.

Thank you.

DB:lm



Griffiths, Terri

From: Rep.Grothman
Sent: Tuesday, February 26, 2002 10:12 AM
To: *Legislative Assembly Republicans
Subject: FW: Campaign Finance Reform - I'm passing this along at the request of Marty

I'd like to thank Steve Freese for sending around this email. We now know to proceed with caution before acting on this bill supported by AFSCME and that it should definitely go to the Rules Committee prior to being put on the floor.

-----Original Message-----

From: Freese, Steve
Sent: Monday, February 25, 2002 03:08 PM
To: *Legislative All Assembly
Subject: Campaign Finance Reform - I'm passing this along at the request of Marty Beil

TO: MEMBERS OF THE WISCONSIN ASSEMBLY

FROM: MARTIN BEIL, EXECUTIVE DIRECTOR, AFSCME COUNCIL 24

RE: AB 843/Campaign Finance Reform

We call upon you to pass AB 843 at your earliest opportunity. The public wants and demands action. The clamor for substantive change will not go away through simple calls for purer bills or as a result of procedural razzle dazzle that leads to meaningless roll calls.

This institution has long been on record on behalf of changing the flawed current system. Our resolutions on this matter explicitly refer to "proposals on the order of the Ellis bill". We feel that AB 843, while not identical, contains enough of the meat of the Ellis proposal to make it worthy of consideration.

Consideration is what we and the public demand. It is our belief that outright rejection of this bill is a rejection of campaign finance reform. You cannot have it both ways, you cannot vote down this bill and claim you want something better.

The only way the discussion continues is to pass this bill. Only then do we have the ability to reinvigorate discussion within the State Senate and thus create a vehicle for the bipartisan compromise that it will take to resolve this issue.

Some of you might claim that the bill disadvantages this group or

that group.

Some of might feel that it is not in your own personal electoral interest. My response

to you is that is time to stand up, like the U.S. Congress did, and show a commitment

to renewal of our system and its values. Inaction will deepen the belief that incumbents

desire the status quo and will go to any length to protect it.

If this bill is voted down it will likely be the last campaign finance vote of this

session. If so, it will be the vote on which state employees rely for candidate evaluation

purposes.

Thank you for consideration of our position.