WISCONSIN STATE LEGISLATURE COMMITTEE HEARING RECORDS

2003-04
(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)
- **03hr_ab0122_AC-CE_pt01**

- Miscellaneous ... Misc
- **

Vote Record

Committee on Campaigns and Elections

Date: 3/6/03

Bill Number: 122

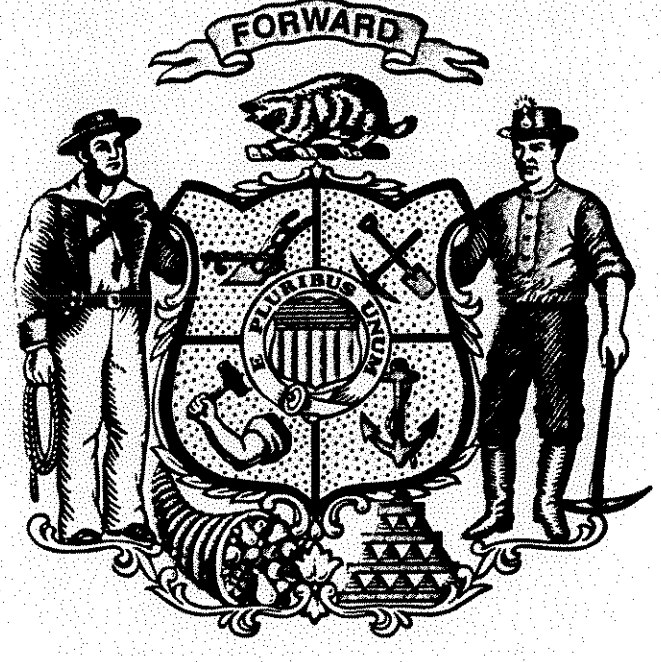
Moved by: Fr. Seconded by: _____

Motion: Passage

Committee Member	Aye	No	Absent	Not Voting
Representative Stephen Freese	☐	☐	☐	☐
Representative Mark Gundrum	☐	☐	☐	☐
Representative Glenn Grothman	☐	☐	☐	☐
Representative Jeffrey Wood	☐	☐	☐	☐
Representative David Travis	☐	☐	☐	☐
Representative Mark Pocan	☐	☐	☐	☐
Totals:	____	____	____	____

postponed

☐ Motion Carried ☐ Motion Failed


FORWARD
E PLURIBUS UNUM

State of Wisconsin \ ELECTIONS BOARD

132 EAST WILSON STREET
THIRD FLOOR
MADISON, WISCONSIN 53702
(608) 266-8005
FAX (608) 267-0500

GORDON BALDWIN
CHAIRMAN

Kevin J. Kennedy
Executive Director

November 13, 1991

Richard G. Hill, Chairman
Oneida Business Committee
P.O. Box 365
Oneida, WI 54155

Re: Political Contributions of the Oneida Tribe

Dear Mr. Hill:

Thank you for your recent correspondence concerning the contributions, to candidates for political office, of the Oneida Tribe. What our previous letter may not have made clear is that the Oneida Tribe, as such, cannot make contributions to candidates in Wisconsin. Instead, the Tribe may organize and sponsor a separate segregated fund, (commonly referred to as a political committee or PAC); or it may organize and sponsor a conduit, either of which entities may make contributions to candidates.

In Wisconsin, there are, essentially, two types of contributors to political candidates: individuals and registered committees. Committees are defined, by s.11.01(4), Stats., as "any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements, whether or not engaged in activities which are exclusively political". Virtually every committee in Wisconsin must be registered because any committee which makes or accepts contributions in an aggregate amount in excess of $25 in a calendar year must register with the appropriate filing officer. Registered committees must keep records of all their income and disbursements and must be able to show the source of all their income.

The difference between the Tribe making contributions and its PAC (or conduit) making contributions is that the money that the Tribe would use for contributions appears to be revenue from business operations; while the money that the PAC (or conduit) would use is money that had been raised from recorded, identifiable individuals and (registered) committees. One of the overriding purposes of the campaign finance law is to assure that money given to candidates is from identifiable sources, specifically: from individuals and registered committees. The

Tribe would hardly be able to, or be inclined to, identify the sources of each dollar of its revenue. Yet that is what is required of committees that want to make contributions to candidates. Even if the Tribe establishes a PAC, (or conduit) it could not fund that PAC (or conduit) with business revenue until that revenue had been allocated to, and contributed by, individual tribal members. The PAC (and conduit) would have to record and report the contributions of the individual members.

In addition to its disclosure strictures, Wisconsin's campaign finance law, in s.11.38(1), Stats., prohibits any foreign or domestic corporation, or association organized under ch.185, from making any contribution or disbursement, directly or indirectly, either independently or through any political party, committee, group, candidate or individual for any purpose other than to promote or defeat a referendum. If the Tribe or its business(es) is incorporated, s.11.38, Stats., clearly prohibits the corporate revenue from being contributed to candidates, regardless of recordkeeping and reporting compliance. In fact, the business income of any business organization is treated in a similar manner: the business income of a partnership or sole proprietorship becomes the contribution of each of the individual partners or of the sole proprietor, not of the business.

If the Tribe is not incorporated and the revenue of the Tribe's business is the revenue of the Tribe's individual members; then the contribution of the Tribe is actually the contribution of the Tribe's individual members and the Tribe is acting as a conduit. Wisconsin, however, has statutes, (ss.11.05(9) and 11.06(11), Stats.), governing the operation of conduits and the making of conduit contributions. If the Tribe wishes to make contributions to candidates in this manner, it must comply with the conduit laws. Those laws require establishment of a separate account for each individual Tribe member making political contributions; specific authorization from the Tribe member with respect to both the political recipient and the amount of the contribution; and notice to each recipient of the identity of the individual Tribe member contributor and the amount of the member's contribution.

Clearly, the members of the Oneida Tribe can act collectively to make political contributions, but they must comply with ch.11, Stats., by organizing a PAC or conduit, or both, in doing so. If the members wish to speak with one voice they probably want a PAC. The Tribe can sponsor both a PAC and a conduit, if the members want both.

If the Tribe chooses not to comply with the law, any candidate or committee who accepts a contribution from the Tribe is in violation of s.11.24(2), stats., which says that "No person may intentionally accept or receive any contribution made in violation of this chapter." In other words, if the Tribe does not comply with ch.11, Stats. - particularly committee and conduit registration, recordkeeping and reporting - its contributions must be refused or the recipient is in jeopardy of a forfeiture for violating s.11.24(2), Stats. Obviously, that negates the effectiveness of your contributions. No candidate wants illegal contributions.

rd G. Hill
mber 13, 1991
ge 3

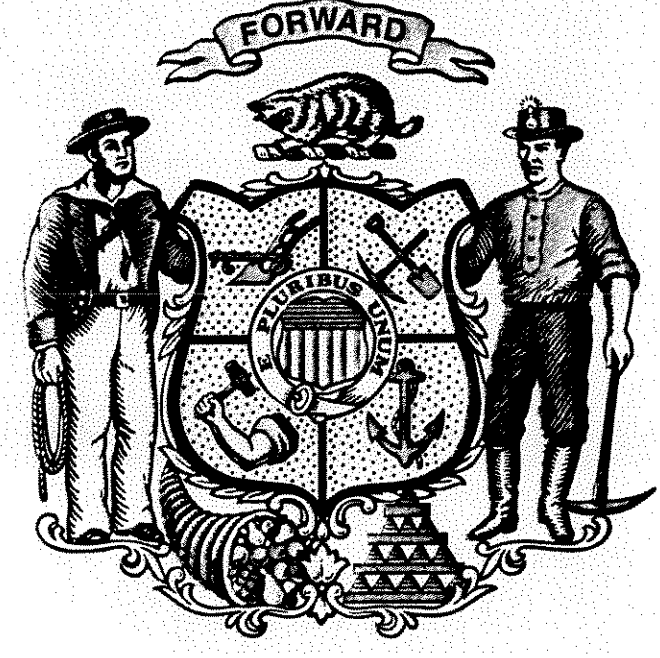
I have enclosed the forms that you will need to register a political committee or a conduit. If you have any questions about this letter or about the forms, please give me or our audit staff a call.

Sincerely,

STATE ELECTIONS BOARD

George A. Dunst
Legal Counsel

GAD/mat
hill_let


FORWARD
E PLURIBUS UNUM

State of Wisconsin \ Elections Board

Post Office Box 2973
132 East Wilson Street, 2nd Floor
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
http://elections.state.wi.us

STEVEN V. PONTO
Chairperson

KEVIN J. KENNEDY
Executive Director

October 16, 2002

Attorney Michael B. Wittenwyler
LaFollette, Godfrey & Kahn
One East Main Street
P.O. Box 2719
Madison, WI 53701-2719

Re: Political Contributions of Indian Tribes in Wisconsin

Dear Mr. Wittenwyler:

This letter is in regard to our discussions about Wisconsin's campaign finance treatment of political contributions or expenditures by an Indian tribe in connection with a Wisconsin candidate election or referendum election. Enclosed please find a copy of a 1991 informal opinion written by the Board's staff and issued to Richard Hill the then-chairman of the Oneida Business Committee of the Oneida Indian Tribe.

The Board's staff has reviewed the contents of this informal opinion and continue to believe that it reflects the state of the law in Wisconsin today regarding the political contributions of Indian tribes or of the tribe's members. As we said in the opinion:

> *In Wisconsin, there are, essentially, two types of contributors to political candidates: individuals and registered committees. Committees are defined, by s.11.01(4), Stats., as" any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements, whether or not engaged in activities which are exclusively political." Virtually every committee in Wisconsin must be registered because any committee which makes or accepts contributions in an aggregate amount in excess of $25 in a calendar year must register with the appropriate filing officer. Registered committees must keep records of all their income and disbursements and must be able to show the source of all their income.*

Although for some statutory purposes an Indian tribe may be considered and treated as a "person," for Wisconsin campaign finance purposes it is not considered or treated as an "individual." The Board's staff believes that the term "individual" is limited to a man or a woman, and does not include any combination or consortium or group of men or women. Under s.11.01(4), Stats., a committee is any person other than an individual and any combination of two or more persons:

> *(4) "Committee" or "political committee" means any person other than an individual and any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements, whether or not engaged in activities which are exclusively political, except that a "committee" does not include a political "group" under this chapter.*

Consequently, for campaign finance purposes, an Indian tribe is treated as a "committee."

We are in receipt of your correspondence that included a copy of Federal Election Commission Advisory Opinion 2000-5, regarding the application of the Federal Election Campaign Act of 1971, (FECA), as amended, and FEC regulations, to political contributions by the Oneida Nation of New York. We note that for purposes of the FECA, the Oneida Nation is not treated as an "individual," either; notwithstanding that, for purposes of the FECA, the Oneida Nation, and other Indian tribes are considered "persons":

> *Although the Nation is a person under the Act, it is not an individual and is therefore not subject to the $25,000 limit on its annual total of contributions*[4].
>
> *(at p. 2, second paragraph of AO 2000-5)*

We also note that in Footnote (4) to the above quote, the FEC opined that the Oneida Nation (and, presumably, other Indian tribes) would fall into the category of "any other organization or group of persons." The category, "any other organization or group of persons," is closer to the Wisconsin category "committee," than it is to the Wisconsin category "individual." Consequently, we suspect that the FEC's treatment of Indian tribe contributions is not authority for the proposition that Indian tribes ought to be treated as "individuals" for Wisconsin campaign finance purposes, let alone authority for the proposition that federal law pre-empts Wisconsin law on the campaign finance treatment of political contributions from Indian tribes or from their members.

Finally, the Board's staff also notes that the FEC's advisory opinion expresses no opinion about the source of funds that may be lawfully used by the Oneida Nation in making its contributions in federal elections – a reasonable implication from which is that the Oneida Nation may be limited in what money (or sources of money) it may use for political contributions:

> *The Commission notes your letter of April 26, 2000, commenting on the General Counsel's proposed draft of this opinion, . . . explains that "the Nation's political contributions are made from its general treasury funds . . . [and] are not made, either directly or indirectly, from any incorporated entity." The letter further states: "While the Nation does own several incorporated businesses, it has sufficient funds in its general treasury to make all of its political contributions, subject, of course, to the limitations and prohibitions of the Act." **Since you have not requested an advisory opinion on the sources of funds that may be lawfully used by the Nation in making its contributions in Federal elections, the Commission does not issue an opinion at this time on that issue.***
>
> ***(Emphasis supplied)***

Both the FEC and the Board's staff seem to have the same concern: that money which is derived from corporate business operations and which is prohibited, by law, from being used, directly or indirectly, for purposes of political contributions or disbursements, may, in fact, be used for those purposes by being "washed" through a tribe's general treasury.

---

[4] In footnote 4 to its opinion the FEC said: "As indicated in Advisory Opinion 1999-32, the Nation would more precisely fall into the category of "any other organization or group of persons."

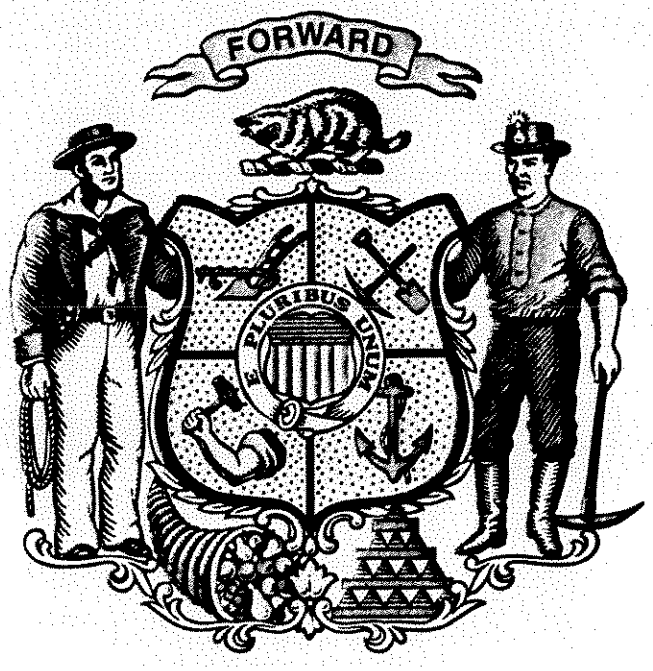
As we said in our 1991 opinion, if each tribal member is entitled to an undivided share of tribal funds, the tribe may be able to transfer tribal funds to a separate registered political committee, if the tribal funds transferred represent (and are designated as) the contributions of those tribal members who have consented to the transfer of those funds as a political contribution. The right of tribal members to an undivided share of those funds is what makes the difference. The contribution or disbursement, to the PAC from the tribe, becomes that of the consenting members rather than that of the corporate enterprise. That determination, however, depends on facts which are beyond the scope of this opinion.

I hope that this letter has been responsive to your questions and concerns, but if it hasn't, or if I can be of any other assistance, please give me a call.

This is an informal opinion of the staff of the State Elections Board and not a formal opinion, issued pursuant to s.5.05(6), Stats., of the Elections Board, itself.

STATE ELECTIONS BOARD

George A. Dunst
Legal Counsel


FORWARD
E PLURIBUS UNUM

Richard, Rob

From: Conlin, Robert
Sent: Wednesday, February 26, 2003 2:54 PM
To: Richard, Rob
Subject: RE:

Well, to the best of my knowledge, the only real "source" limitation for campaign contributions that the Supreme Court has upheld has been a ban on corporate contributions from corporate treasuries. I suspect the tribes could make some sort of 1st amendment claim that the tribe has a 1st amendment right to participate in election-related speech. Also, to the extent that tribes are sovereign nations, they may try to argue that the state can't regulate the tribe with respect to civil campaign contributions. I'm not the Indian Law expert in the office. I can check into that aspect if you'd like but I suspect that the answer would be rather cloudy or at least not all that clear. Also, there may be an equal protection issue if similarly situated groups aren't treated the same. For example, no such restriction applies to labor unions under state law.

For much of the above, I assume you'd have to show that the state has a compelling interest in limiting such contributions in an effort to eliminate corruption or the appearance of corruption.

You may want to consider how you would treat tribal PACs or contributions to federal campaigns. I think in the most recent case of notable tribal contributions, the tribal money was allegedly run through the national committees and then dropped back into Wisconsin races directly to or on behalf of candidates. Would your proposal deal with that?

Anyway, that is my quick reaction to your request. These are complex issues and a more thorough answer would take a bit of additional legal research.

Let me know how you want to proceed.

Bob Conlin
Senior Staff Attorney
Wisconsin Legislative Council Staff
(608) 266-2298

-----Original Message-----
From: Richard, Rob
Sent: Wednesday, February 26, 2003 2:02 PM
To: Conlin, Robert
Subject:

Bob:

Freese wants to introduce a bill that essentially puts "tribal nations" on par with corporations when it comes to the prohibition of political campaign contributions. The bill would treat individuals in the tribes the same as any other individual when it comes to campaign contributions. Before I contact Kuesel on this, can you think of anything that may find such a provision unconstitutional, or can you think of anything that we may want to specifically include?

Thanks!
Rob

Common Cause In Wisconsin

152 W. Johnson Street * P.O. Box 2597 * Madison, WI 53701-2597 * (608) 256-2686
E-Mail Address: ccwisiwh@itis.com * Website: www.commoncause.org/states/wisconsin

CONTACT: Jay Heck - 608/256-2686 **FOR RELEASE:** March 3, 2003

Wisconsin Native-American Soft Money Contributions to National Political Party Committees - $832,250

$500,000 Ho-Chunk Nation Donation is Largest in Wisconsin History

***

McCain-Feingold Ends Big Donations to National Parties; But Spending in State Elections Likely to Skyrocket Without Reform

(MADISON) - A Common Cause In Wisconsin (CC/WI) review of the soft money contributions made by Wisconsin Native-American tribes to the national political party committees during 2001-2002 released today revealed that both major political parties were recipients of large contributions. CC/WI also found that the $500,000 contribution made by the Ho-Chunk Nation last October to the Democratic National Committee is the single largest soft money contribution ever made by a Wisconsin-based entity to a national party committee in history.

"Political giving by Wisconsin Native-American Tribes with gaming interests has accelerated exponentially over the past two years. They have joined the elite ranks of several other big-spending state special interest groups in utilizing their campaign spending to influence public policy-making," said Jay Heck, executive director of CC/WI. "In the absence of meaningful, comprehensive campaign finance reform this year, this influence-and that of other deep-pocketed interests-will increase in the next election cycle and in the public policy decisions that follow the elections," Heck added.

All soft money contributions to the national political party committees ended as of November 6, 2002–when the McCain-Feingold legislation banning soft money contributions went into effect. In Wisconsin however, special interest groups would

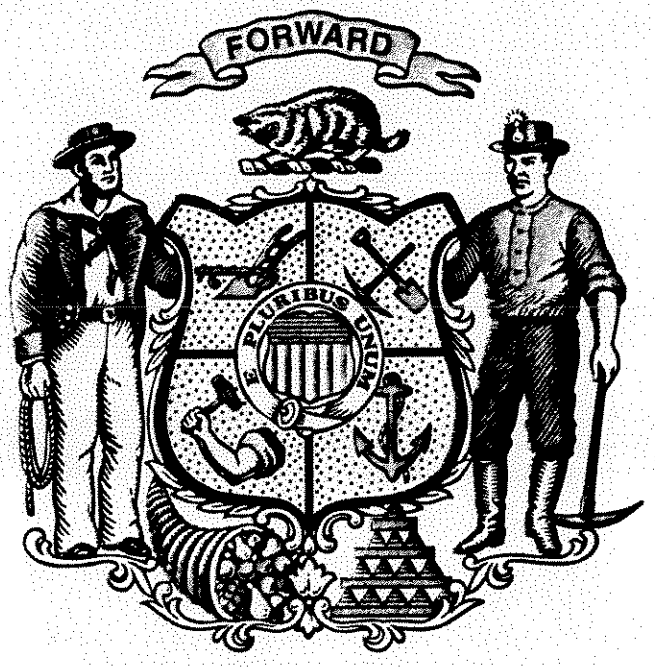
(-MORE-)

still be able to use their soft money (which is unregulated, limitless and largely undisclosed funds from almost any source) to run campaign ads masquerading as issue advocacy. During the Fall of 2002, the Forest County Potawatomie ran extensive phony issue ads in support of Jim Doyle for Governor which CC/WI estimates may have cost $250,000 or more.

Senate Bill 12, the comprehensive campaign finance reform legislation introduced by Sen. Mike Ellis (R-Neenah) and Sen. Jon Erpenbach (D-Middleton) and strongly supported by CC/WI, would regulate and force disclosure of sham issue ads within 60 days prior to the general election and 30 days prior to a primary election.

"Without enactment of legislation like Senate Bill 12, the influence of Tribal political money-and all special interest group money-on public policy-making in Madison will only increase," Heck said. "The Wisconsin Legislature needs to act to reduce the influence of all special interest money and this latest controversy about huge Tribal contributions and the gaming compacts ought to provide all the incentive to act now rather than continue to wait," Heck concluded.

A listing of the soft money contributions from Wisconsin tribes made to the national political parties during the 2001-2002 election cycle is attached.


FORWARD
E PLURIBUS UNUM

Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

FOR IMMEDIATE RELEASE

February 27, 2003

For more information, contact Rep. Freese
(608) 266-7502 or toll free (888) 534-0051

FREESE ASKS GOVERNOR TO ELIMINATE CAMPAIGN CASH FROM GAMING MONEY

Sends Letter to Doyle Asking Him To Put Provision In Gaming Compacts

MADISON...Citing disturbing developments over the last several weeks, Speaker Pro Tempore Steve Freese (R-Dodgeville) is asking Governor Doyle to place a prohibition on campaign contributions derived from gaming proceeds in the new gaming compacts.

Freese, the Assembly Chair of the Campaigns and Elections Committee, sent a letter to Doyle about his intention to include such a prohibition in a comprehensive campaign finance reform package. However, the speed of negotiations and recent revelations has caused Freese to move up his schedule.

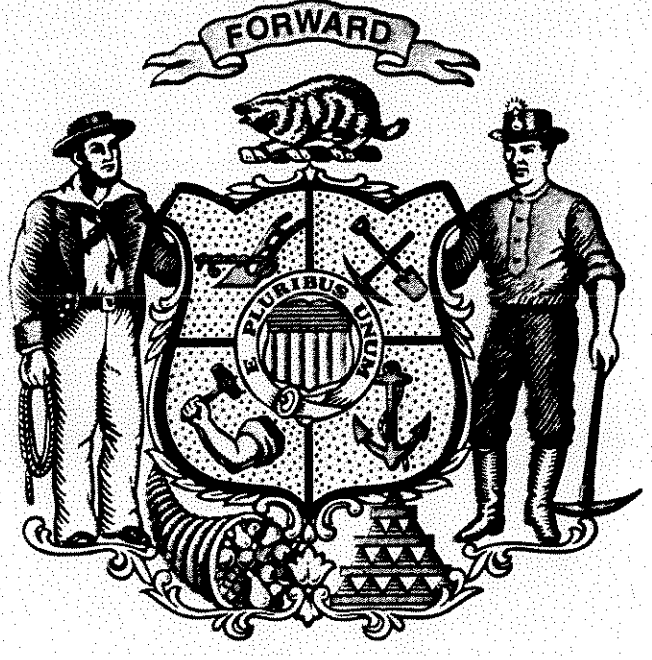
"The speed of the compact negotiations has prompted me to prepare for introduction of this provision as a stand-alone bill as well," says Freese. "My proposal will be pushed forward with great urgency."

Freese is introducing this campaign legislation in light of the chain of events since the last gubernatorial election. According to newspaper accounts, three Wisconsin tribes dumped over $700,000 to the Democratic National Committee in late October 2002. Days later, the money came back to Wisconsin via the Democratic Party to help Doyle and other candidates as the campaign came to a close.

Now, within the last few weeks, reports have surfaced of new perpetual gaming compacts with generous terms for the Oneida and Potawatomi tribes. Freese is now asking the Governor to help prohibit gaming profits from unduly influencing elections, just like contributions from corporations.

"Your serious consideration to include language establishing the prohibition would be an extremely important step to protect our election process," Freese added in his letter to Doyle. "I urge you to make this part of your negotiations."

- 30 -


FORWARD
E PLURIBUS UNUM

Richard, Rob

From: don.nelson@legis.state.wi.us
Sent: Friday, February 28, 2003 2:08 PM
To: rob.richard@legis.state.wi.us
Subject: Lobbying Rules for Tribe Upheld

From: Don Nelson

this is the article I spoke about. I am not sure if it is similar to what you are working on, but if it is, it give your bill some momentum.

Lobbying Rules for Tribe Upheld

By Gregg Jones
Times Staff Writer

February 28 2003

SACRAMENTO -- A state judge rejected Thursday an Indian tribe's claim of "sovereign immunity" from California campaign finance and lobbying laws, a ruling denounced by the tribe but hailed by others as a significant victory over a rising political powerhouse.

The complete article can be viewed at:
http://www.latimes.com/la-me-tribe28feb28,0,6357603.story

Visit Latimes.com at http://www.latimes.com

February 28, 2003

THE STATE

Lobbying Rules for Tribe Upheld

By Gregg Jones, Times Staff Writer

SACRAMENTO -- A state judge rejected Thursday an Indian tribe's claim of "sovereign immunity" from California campaign finance and lobbying laws, a ruling denounced by the tribe but hailed by others as a significant victory over a rising political powerhouse.

The 17-page ruling by a Sacramento Superior Court judge allows the state to proceed with a lawsuit accusing the Agua Caliente Band of Cahuilla Indians of violating campaign disclosure and lobbying laws. The suit accuses the Southern California tribe of missing deadlines for reporting more than $8 million in political donations over the last five years.

"We are really, really delighted and gratified by the decision," said Karen Getman, chairwoman of the state Fair Political Practices Commission. "It's a very strong affirmation of our ability to enforce the law against tribes to the same extent that we enforce it against any other group. That's key to making our disclosure system work."

The Agua Caliente tribe, which has parlayed profits from two Palm Springs-area casinos into state political power, condemned the ruling as "judicial error." The tribal council said it would consider "a prompt appeal" during a meeting Tuesday.

The central issue addressed by Thursday's ruling is whether California has the authority to force its 109 federally recognized Indian tribes to comply with laws that require timely disclosures of campaign contributions and lobbying expenses.

Agua Caliente leaders had conceded in earlier arguments before the court that the tribe wasn't immune from state political disclosure laws.

The tribe, however, had argued that the federal doctrine of tribal immunity from suit shielded it from legal action by the FPPC, which enforces

compliance with California's disclosure laws. It also said the state court lacked jurisdiction over the tribe.

Superior Court Judge Loren McMaster rejected these arguments.

"If large contributors to the electoral and initiative process -- like the tribe -- were not subject to FPPC enforcement actions, the institutions and processes of California's government would be subverted to a significant extent," he reasoned.

McMaster took pains to emphasize that his ruling in no way questioned the doctrine of tribal immunity when applied to tribal self-governance, commercial transactions, economic development and self-sufficiency.

But he ruled tribes were not immune "from suits alleging that they have violated state laws designed to protect the integrity of the state's own political processes, i.e., those laws that specifically regulate the tribes' campaign contributions and legislative lobbying activities."

In a statement, the Agua Caliente tribal council said the ruling "failed to follow clear federal law concerning [tribal] sovereignty."

State officials and public advocacy groups, however, said the ruling was a landmark defense of the integrity of the political process in California.

"Native American tribes have grown to become the state's largest campaign contributors, surpassing the teachers, doctors, trial lawyers, prison guards," said Jim Knox. He is executive director of California Common Cause, a public advocacy group that filed friend-of-the-court briefs supporting the state's position.

"The danger was the tribes would be able to exert influence that could not be detected by the press or the public," Knox added. Most of the state's tribes comply with disclosure requirements, officials said. But not Agua Caliente, state and advocacy groups contend.

"We can't underestimate the importance of this decision," said Getman. "Agua Caliente, in many ways, is the poster child for why we need disclosure laws."

The tribe has contributed more than $10 million to state candidates and initiative campaigns over the last five years, Knox said.

In addition to donating millions to candidates and ballot initiative campaigns, "they are very active in lobbying the state Legislature," having made contributions to 107 of 120 sitting legislators, Getman said.

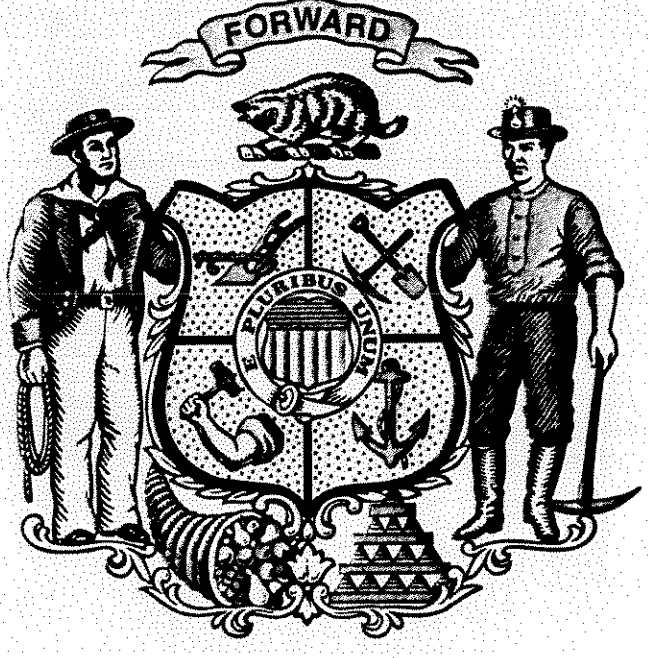
Thursday's decision sets an important precedent for future challenges to political disclosure laws, in California and elsewhere, said Knox.

A nearly identical case is scheduled to be heard next week in the same

Sacramento court, before a different judge, involving the Santa Rosa Rancheria Indian Community and Palace Indian Gaming Center in Kings County. That tribe also contends that it is not required to comply with state campaign contribution laws.

Getman called on the Agua Caliente leadership to "discuss a settlement" with the state. The tribe could face millions of dollars in fines if it loses the lawsuit.

"When you've got somebody playing at that level and throwing that much money around, they are clearly trying to influence California's elections and the California legislative process," Getman said. "There's nothing wrong with the tribes becoming powerful political players. You just can't do it in secret."


FORWARD
E PLURIBUS UNUM

Richard, Rob

From: Conlin, Robert
Sent: Monday, March 03, 2003 8:14 AM
To: Richard, Rob
Subject: RE:

Rob:

I was off on Friday so I apologize for the delay. I'm not aware of any case saying it is not constitutional. As we talked about last week, the court's allow the state to limit contributions in order to eliminate corruption or the appearance of corruption. Accordingly, the state would have a reasonable argument that gaming proceeds from folks directly regulated by the state may carry at least the appearance of corruption. I'll take some time to look at this more closely today. My biggest concern is the practicality of enforcing something like this. If I win a few hundred dollars at the slots, and give the $$ to your boss as a campaign contribution, how will he know they are derived from "gaming proceeds." Similarly, if a tribe gives the AG candidate $$, how will they know it is derived from tobacco $$ rather than "gaming proceeds?"

Bob Conlin
Senior Staff Attorney
Wisconsin Legislative Council Staff
(608) 266-2298

-----Original Message-----
From: Richard, Rob
Sent: Thursday, February 27, 2003 5:12 PM
To: Conlin, Robert
Subject: FW:

Bob:

Is this constitutional? :) No, really I'm serious.

Thanks,
Rob

-----Original Message-----
From: Richard, Rob
Sent: Thursday, February 27, 2003 5:11 PM
To: Kuesel, Jeffery
Subject:

Jeff:

I'm sorry but there's been a slight change in what we want with regard to the prohibition on gaming proceeds goings to candidates for public office.

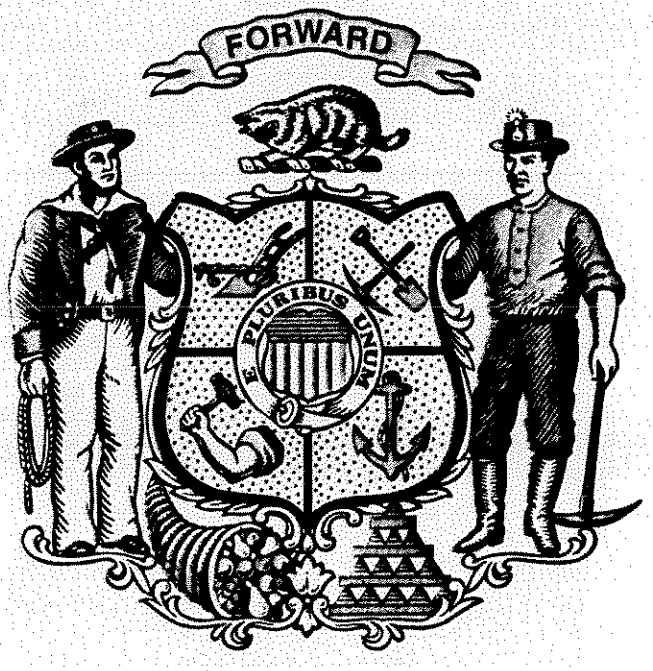
From the analysis of 1999 AB 410, here's what we want to accomplish:

"This bill prohibits any person, including any committee or group, from accepting a political contribution derived from gaming proceeds from any person or entity, including anyone or any entity licensed by any state to operate a gaming facility or operation."

Gaming should include racetracks, casinos and lottery.

Jeff, this is a priority for next week as well. Thank you!

Rob


FORWARD
E PLURIBUS UNUM

State Senator
GWENDOLYNNE MOORE

Capitol Office:
P. O. Box 7882, Madison, WI 53707-7882
Phone: (608) 266-5810 Fax: (608) 267-2353
District Telephone: (414) 442-3080
Toll-free Legislative Hotline: 1-800-362-9472
E-Mail: sen.moore@legis.state.wi.us
Member: Joint Finance Committee
Board Member: Wisconsin Housing and Economic Development Authority

Testimony of State Senator Gwendolynne Moore on Numerous Assembly Bills
Assembly Committee on Campaigns and Elections
March 6, 2003

Thank you for allowing me the opportunity to submit this written testimony in my absence. I would like to thank Chairman Freese and the members of the Assembly Committee on Campaigns and Elections for holding this public hearing to discuss numerous Assembly Bills that seek to modify Wisconsin's election process.

As you know, it is a fundamental function of government to ensure that each citizen truly has equal and unimpeded access to the ballot box and that every American voice is properly recorded. It is also important for the judicial branches of government to pursue the vigorous enforcement of laws when deliberate election fraud does indeed occur. However, as legislators, we must balance our duty to safeguard our system from election fraud with our duty to protect the voter's rights. We must not be swayed to alter the basic tenets of our election laws based solely upon the *perceived* fear of voter fraud. We must proceed with extreme caution when we entertain any legislation under the guise of "reform" that could compromise the franchise of our citizens. Ultimately, the voter's right to participate in the election process must be paramount.

Legislation that is being considered today, in particular Assembly Bill 111 (AB 111), is just such a proposal that severely threatens our citizens' franchise instead of providing any real electoral reform. **A voter should not be required to show a valid Wisconsin driver's license or photo id in order to receive their ballot.**

Disguising their proposals as necessary "election reforms" which would ensure the integrity of the system, Republican partisans are continually proposing new initiatives that would disproportionately disenfranchise Wisconsin's low-income, minority, elderly, handicapped, homeless, and student populations. Now Republicans seek to capitalize on a never previously utilized absentee ballot provision to justify implementation of an onerous voter ID bill. I am deeply troubled by Representative Freese's attempt to capitalize on the recent allegations of voter fraud that have been identified in recent **Milwaukee Journal Sentinel** articles. Rep. Freese exploited this recent development by publishing a press release that misleads readers to believe AB 111 would have prevented this alleged voter fraud. Obviously, AB 111 does not address the concerns raised by the ACE incident, as Rep. Krug and Rep. Ladwig have recently introduced absentee ballot legislation to deal with this specific issue.

What AB 111 does do is place undue and unnecessary burden on some of our most vulnerable voters, including our low-income, minority, elderly, disabled, homeless and student citizens, by

requiring all voters – regardless of whether they are registered or not – to present a DOT-issued Wisconsin driver's license or photo ID in order to obtain a ballot. In essence, this measure is an unconstitutional **poll tax** on those whose grasp on the franchise is currently most vulnerable; the elderly, the low-income and the homeless, or handicapped. Individuals will still have to pay to obtain a birth certificate or other identifying information. Further, they could lose work time, wage compensation, or other financial support all in order to obtain an unnecessary ID.

Additionally, AB 111 is fiscally irresponsible, as it severely increases state spending by mandating the DOT to provide necessary identification free of charge for all citizens. During this time of state fiscal uncertainty, it is negligent for Republican legislators to create such an enormous fiscal impact on state government. It was estimated that AB 259, last session's voter ID legislation, which also would have provided an ID card free to anyone who requested it, would have cost the state $850,000 annually. The author of AB 111 chose an inopportune time to introduce this legislation, as it is a time when our state is bracing itself for a $4.2 billion deficit, the like of which our state has not faced since the Great Depression!

Just a few weeks ago Republicans restored $22 million in cuts to the Transportation Fund proposed within the Governor's budget adjustment bill. It is extremely ironic with our state's enormous deficit that now this Republican proposal is proposing expensive new ideas to the already overly stressed DOT budget. In fact, DOT previously estimated that it would require 3 additional full-time employees to fulfill the photo ID mandate. This is distressing, and seemingly irresponsible, at a time when the state is considering eliminating 2,900 state jobs.

The Department of Transportation (DOT) estimates that roughly 130,000 people across the state do not have the kind of documentation referred to in this legislation. Furthermore, the DOT estimates that only 20% of these people would ever get necessary documentation if AB 111 became law. That means that roughly 100,000 Wisconsin residents currently without DOT-issued photo identification, many of who are elderly, low-income, minority, homeless, or handicapped, would be disenfranchised by this bill.

Many of these people do not have the time or the resources to go to the DMV to obtain identification simply to vote. For example, if AB 111 were passed, a low-income person would be forced to jeopardize their employment or utilize precious vacation time to visit the DMV. Further, an elderly person who may have health problems would have to stand in the DMV line for hours to maintain their franchise. Adding to that hardship, many DMV offices have been eliminated or have had their hours of operation reduced due to budget cuts.

Furthermore, students from out of state who study at Wisconsin's colleges and universities and are eligible to vote in this state would not be allowed to present photo identification from their home state or a Wisconsin university identification card in order to prove their identity. They, too, would have to go to the DMV to obtain a Wisconsin photo identification card.

Many of Wisconsin's most diligent voters have been registered at the same address and have voted at the same polling station for most of their adult lives. This is particularly true in Milwaukee's inner city, where many low-income minority voters have never had the kind of photo identification required in AB 111.

Most states do not require an identification card, photo or otherwise, for their state's registered voters. In fact, only state, South Carolina, a state that still refuses to remove the Confederate flag from its state capitol, requires all voters to present a photo ID or be denied the right to vote. Moreover, **29 states are *precluded* by state statute from asking for any kind of voter identification at the polls.** Instead, AB 111 seeks to depart from this group of states and "reform" our electoral system by disenfranchising voters.

AB 111 could potentially undermine the provisional ballot process. Under AB 111, if you fail to provide a valid DOT-issued Wisconsin photo id, your secretly cast vote will be put aside as a provisional ballot, and you will have until 4 pm the day after the election to obtain the necessary ID and prove your identity. One day is not sufficient time to procure an ID if you were born in another state and need to obtain a birth certificate, or have other work demands. If you fail to prove your identity your vote will not be counted!

Voter registration by corroboration must not be repealed. Currently, a person who does not have a residential address can vote if that person brings with them to the polls another registered voter from the same municipality. This means that homelessness in Wisconsin does not mean disenfranchisement. AB 111 would require the voter to show photo id even in the presence of corroboration. We should not strip a voter of his or her rights simply because that person lacks an address or a photo id. According to the January 8, 2001, edition of the Journal of the American Medical Association, 1% of the US population is homeless throughout the course of a year.

The mere *perception* of voter fraud provides no factual basis, no compelling interest, to change the tenets of Wisconsin's open election system, which consistently produces one of the highest voter turnouts in the nation and encourages voters from all walks of life to participate in our democracy. Wisconsin has a long, proud history of progressive election laws and of inclusiveness in the electoral process.

In fact, Wisconsin was one of the first states to give immigrants the right to vote. In 1848, our state's Constitution allowed immigrants to vote as they declared their intention for naturalization. For over 150 years, our state has sought to make the polls as accessible as possible to new voters.

Many have attempted to exploit charges of voter fraud in Milwaukee during the 2000 election. In that election, Milwaukee District Attorney McCann found that out of the 361 individuals with criminal backgrounds who were accused of voter fraud, only 3 had not had their civil rights restored. **McCann did not press charges against these three individuals because they were unaware that they were disqualified from voting.**

Now, under the guise of election "reform", the bill being debated here today will have the effect of disenfranchising many of Wisconsin's poor, minority, elderly, handicapped, homeless, and student voters, many of whom tend to vote Democratic. **While I certainly hope that the intent of this proposal is not to silence the voices of Wisconsin's most vulnerable who happen to vote Democratic, the effect of this proposal will do just that.**

I am equally concerned by the ramifications of **Assembly Bill 122** (AB 122), which like AB 111 disenfranchises voters rather than enacting real election reform. **This controversial, divisive and unnecessary bill seeks to single out one particular constituency, prohibiting them from contributing to political campaigns and therein severely limiting their access to the political process.** Anyone who receives income from a gaming establishment would lose his or her right to play a role in the political process. Gaming operators, including casinos, lotteries and racetracks that violate this law would face a Class I felony, a fine of $10,000 and possible imprisonment of not more three years and six months!

The bill's drafting notes reveal that there are potential constitutional questions regarding the infringement of equal protection rights of persons who earn their income from gaming operations. Should the concept of singling out constituency groups be considered constitutionally acceptable, this bill should be expanded to include all corporations and entities that routinely "influence" campaigns and elections. Unless AB 122 prohibits all groups that influence campaigns from contributing, the bill is unjust and possibly unconstitutional.

And lastly, I would like to voice additional comments about several of the other eleven bills that the committee is considering here today:

I believe that **Assembly Bill 113** would do little to impact the election process in Wisconsin. Proponents argue that people who view results through media outlets prior to poll closings may be persuaded by the preliminary results and may opt not to vote. This legislation does not address these concerns, as most preliminary results publicized prior to 10 pm are national, particularly from east coast states whose polls close earlier than Wisconsin's due to time zone. I feel that federal legislation would be the proper outlet for addressing this concern, as it should impact the entire nation, not just the state of Wisconsin.

I support **Assembly Bill 114** as a fair proposal that intends to provide uniform polling hours and will provide greater opportunity for citizens to exercise their constitutional right to vote.

Under current election law, every vote cast, including all write-ins, are counted. **Assembly Bill 115** intends to disenfranchise voters who cast write-in votes for candidates that have failed to declare candidacy in the time specified in the bill. Every vote should

count, whether it is cast for a candidate on the ballot or is written-in by the voter. AB 115 disenfranchises voters and the election process.

County boards of supervisors, common councils, village board of trustees, town boards of supervisors, county chairpersons or mayors currently have the authority to fill temporary vacancies in their respective levels of government. **Assembly Bill 118** takes away local control and instead creates an un-funded mandate for local government and taxpayers. By mandating automatic special elections to fill all vacancies for local elected positions, Wisconsin taxpayers will bear significant additional election costs. With the looming multi-billion dollar state deficit as well as deficits at the local level, it is not a stretch to say that citizens are more concerned about increased government spending then filling short-term vacancies in current elected positions.

The change in campaign finance reporting proposed by **Assembly Bill 119**, which requires that non-resident registrants be held to the same filing requirements as Wisconsin residents, seems to be fair and common sense reform to campaign finance law.

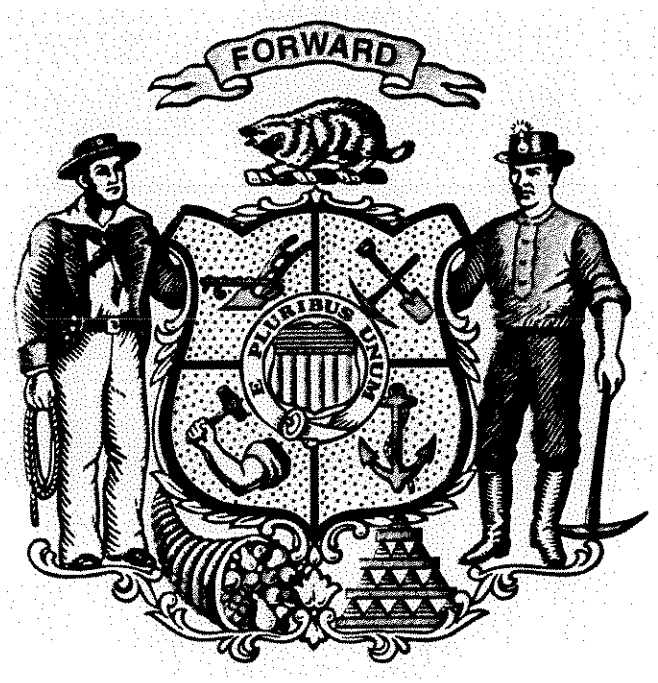
Greater education regarding voting rights should always be encouraged to ensure voter awareness and diminish accusations of fraud. I support the concept of **Assembly Bill 120** as it carries on Wisconsin's tradition of educating citizens about the electoral process. I especially support the provision that gives the court system and the Department of Corrections (DOC) discretion as to how they will notify affected persons. During these times of state fiscal uncertainty, we should be attempting to pass legislative proposals that mandate minimal new fiscal increases on state government. While I have no information on whether this new requirement will create great additional costs to the court system and DOC, I am cautiously optimistic that the intent of the author is to limit such fiscal increases on state government.

Assembly Bill 121 gives municipal bodies the authority to test all polling officials to prove their ability to speak and read English. While it is important that polling officials be able to converse and communicate effectively with those electors at that polling place: I hope this is not a "back door" approach to encourage the introduction of divisive "English Only" proposals.

Finally, I support the section **Assembly Bill 123** that creates a segregated fund and spending authority for the State Elections Board to carry out the federal requirements imposed in the Help America Vote Act of 2002. I reserve judgment at this time of the remaining items within this bill because I am unclear of their effect on the citizens of Wisconsin.

I hope, as you consider your vote on these numerous election bills, the members of this Committee will remember that the integrity of our election system can only be protected by ensuring that every voice continues to be heard.

Thank you for allowing me the opportunity to share my views on bills being discussed at today's hearing.


FORWARD
E PLURIBUS UNUM

Assembly Committee on Campaigns and Elections
March 6, 2003

2003 Assembly Bill 122

On behalf of the Forest County Potawatomi Community,
Testimony of Mike B. Wittenwyler

- The Forest County Potawatomi Community supports campaign finance reform proposals that do not infringe on the constitutional rights of individuals to effectively participate in the political process.

- The rights of individuals to engage in political discourse and to associate with each other for that purpose are fundamental to democratic government:

> Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression in order to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people.... This no more than reflects our profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.
>
> *Buckley v. Valeo*, 424 U.S. at 14-15 (citations and internal quotation marks omitted).

- The First Amendment, admonishing government to "make no law ... abridging the freedom of speech," ensures full and free political debate. The First Amendment protects the rights of citizens to associate, to promote shared political principles, and to engage in collective as well as individual political expression.

- Political contributions, the U.S. Supreme Court held in *Buckley*, are integral to the democratic process and protected by the First Amendment. And, that protection does not depend on the content of the speech or the identity of the speaker.

- By restricting the ability of certain individuals to make political contributions, Assembly Bill 122 violates the First Amendment.

    - It is a content-based restriction on political speech, categorically impermissible under the First Amendment. The legislation would virtually ensure that public issues involving gaming are not publicly debated and discussed. The very individuals and organizations with the most at stake would be, in effect, barred from participating in the public dialog.

- It is a flat prohibition on campaign contributions in violation of the First Amendment.

- It eliminates the ability to engage in independent expenditures in violation of the First Amendment.

- It severely limits the rights of tribal members to participate in the political process in direct violation of their right of association.

- It treats those associated with "gaming operators" differently than any other Wisconsin business interest in violation of the Equal Protection clause.

- It does not present a sufficiently important governmental interest that justifies a prohibition on these campaign contributions.

- Assembly Bill 122 is impractical. It prohibits ALL Wisconsin property owners who receive the state lottery tax credit from making a political contribution.

- Assembly Bill 122 is a thinly-disguised effort to punish those making legal campaign contributions that were reported and fully disclosed.

  - It is *not* a contribution limit.
  - It is *not* a reporting or disclosure requirement.
  - It is a complete ban on campaign contributions.

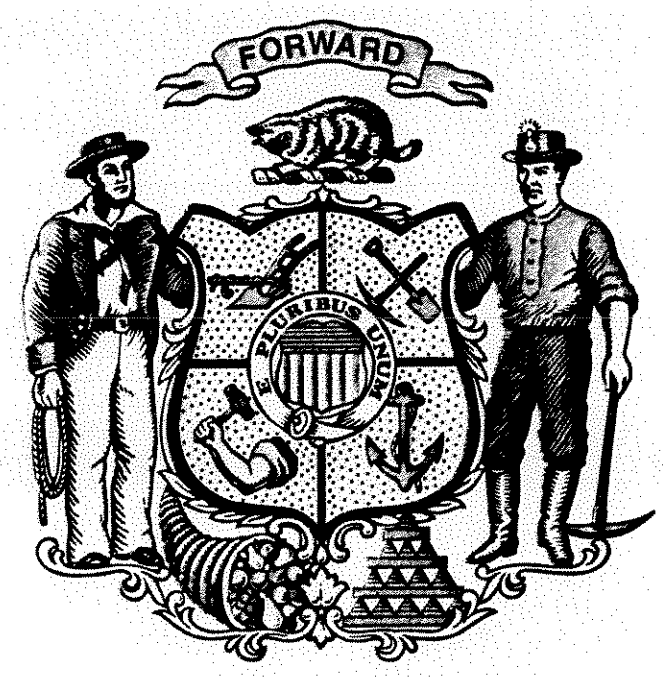
- Wisconsin's recent attempts to prohibit certain campaign contributions have not been successful.

  - Political contributions by a PAC controlled by a lobbying principal cannot be restricted. *See Plumbers and Gas Fitters Local 75 Political Action Fund v. Ethics Board*, 93-CV-3984 (Dane County Circuit Court Feb. 23, 1994), *aff'd,* 94-0826 (Wis. Ct. App. May 19, 1995), *rev. den.*, 94-0826 (Wis. Sup. Ct. Sept. 27, 1995).

  - Political contributions by a lobbyist's spouse are not restricted. *See Katzman v. Ethics Board*, 596 N.W.2d 861 (Wis. Ct. App. 1999).

- Wisconsin's most recent attempt to silence political speech was not successful. In *Wisconsin Realtors Association v. Ponto*, 233 F. Supp. 2d 1078 (W.D. Wis. 2002), the campaign finance provisions in the 2002 budget repair bill were declared "void," the state was enjoined from attempting to enforce any of the provisions, and the Court ordered payment by the State of the plaintiffs attorneys' fees and costs.

- Assembly Bill 122 is unconstitutional and should not be approved by this Committee.


FORWARD
E PLURIBUS UNUM

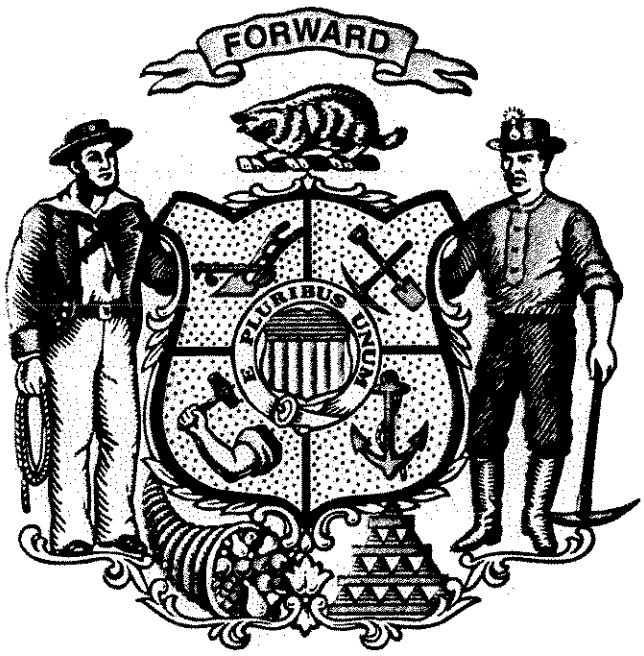
The League of Women Voters of Wisconsin, Inc.

122 State Street, Madison, Wisconsin 53703-2500
608/256-0827 FX: 608/256-2853 EM: genfund@lwvwi.org URL: http://www.lwvwi.org

Statement to the Assembly Committee on Campaigns and Elections in Opposition to AB 122, relating to acceptance of political contributions derived from the net proceeds of gambling operations

March 6, 2003

We have strong concern regarding the discriminatory nature of this bill. It should be an all or nothing prohibition -- we favor contribution limits but do not agree with discriminating as to who is or is not eligible to contribute. There are supporters of the bill who are backing this merely as a vehicle to suppress the expansion of gambling/casinos in Wisconsin. The League does not have an official position on this particular matter, but we cannot support a bill by which some individuals' or groups' rights are infringed while others go unimpeded.


FORWARD
E PLURIBUS UNUM

3/4/03 ——

Comments –
Rushed.
Why?
need to see bills
Fiscals

Drews —— keeping advocacy groups from just passing out ballots & address the manner in which a group collecting names for absentee ballots.

We should address this separately – very important

Lawton – need for accuracy – more difficult for more ppl to vote. AB111 will turn people away. She fears.

AB122 –

Carolyn Castore -
- barriers - may not solve a problem
- doesn't indicate citizenship
- goes after people who are the least able to participate
- will not address key problems of absentee balloting
- Believes money spent on poll workers would be better spent to provide app. for "younger" poll workers

Chris Ahmaty -
- Voting is a right not a privilege
- Keeping your privacy as this bill would require people to be added

Chris Ahmuty —

to another database for someone to check me out. That's a serious concern.

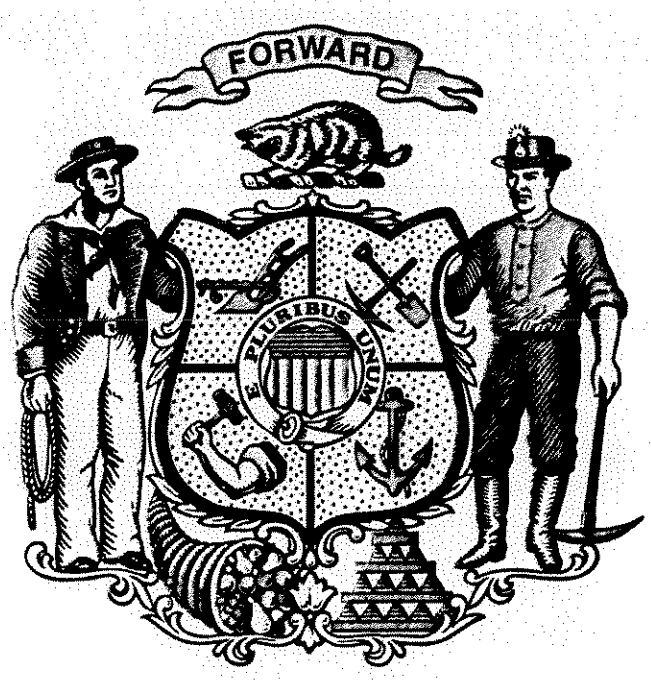
- digital photos are kept on record w/ D.O.T. for drivers licenses and state I.D.'s.

AB 122

- Grothman asked about general background and whether or not our bill (or current law) prohibits ~~AGIA~~ 2nd corp. from sending $ to national committees
- Also asked how current law treats the tribes
- Glen suggested it would be difficult to prove that individual members sent $ deriving from gaming

- Travis pointed out problem with language that would limit individuals; Corlin responded that the enforcement mechanism must be recognized
- Pocan raised issue of entities involved with gambling: gamblers,

munis, small businesses, employees of casino


FORWARD
E PLURIBUS UNUM

Knudson, Steve

From: Keith Gilkes [kgilkes@wisgop.org]
Sent: Sunday, March 09, 2003 3:23 PM
To: 'Knudson, Steve'; bgbdbcky@yahoo.com
Subject: Check these articles out.

"FPPC Can Sue Tribe, Judge Says"

Sacramento Bee - Published on 2/28/03

Week of 3/3/03 - California

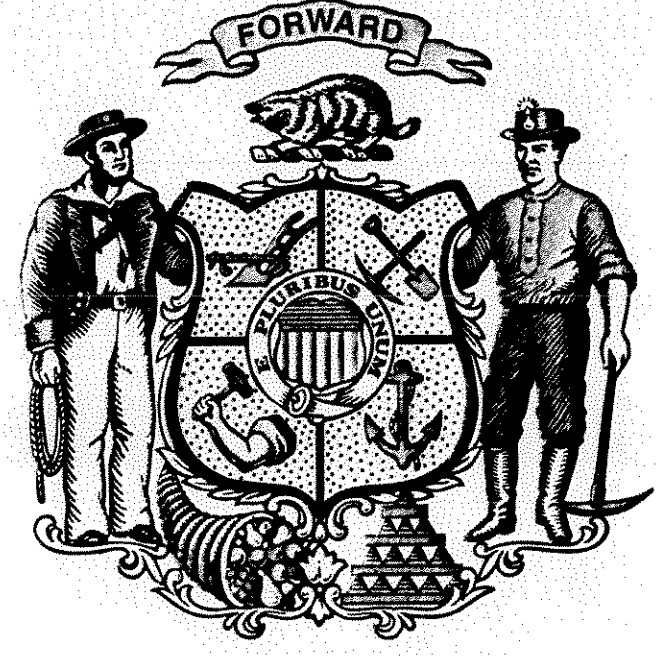
In a case believed to be the first of its kind in the country, a Sacramento Superior Court judge ruled that a California Indian tribe can be sued in state courts for allegedly violating state campaign finance laws. Judge Loren McMaster dismissed arguments by the Agua Caliente Band of Cahuilla Indians that it was immune from being sued in state court by the California Fair Political Practices Commission (FPPC) because it was a sovereign nation, answerable only to Congress. The case has been watched as a potential landmark in defining the line between tribal sovereignty and the rights of states to set and enforce their laws. McMaster gave the tribe until March 31 to file its response to the FPPC suit. Karen Getman, chairwoman of the FPPC, said that while the case still must proceed to trial, the decision is crucial because the tribe has not contested the facts of the case, just the commission's ability to sue it. "We see this as a total victory for us," she said. "It was a very powerful and courageous opinion by the judge. We couldn't be happier." The tribe's lead attorney, Art Bunce, said the tribe would soon decide whether to appeal McMaster's order. The FPPC's suit against the Agua Caliente tribe, which is one of the wealthiest and most powerful in the state and operates two casinos, alleges the tribe failed to meet FPPC reporting requirements for more than $8 million in campaign contributions made between 1998 and 2002. The commission filed the suit after months of settlement negotiations failed. The tribe faces civil fines up to the amount of the contributions in dispute. McMaster wrote in his decision that the tribe had not waived its immunity from being sued simply by making the contributions. However, he wrote, no previous case has addressed a state's right to enforce its laws concerning political campaigns. "If large contributors to the electoral and initiative process - like the tribe - were not subject to FPPC enforcement actions, the institutions and processes of California's government would be subverted to a significant extent," McMaster said. Jacob Coin, executive director of the California Nations Indian Gaming Association, a statewide group of casino tribes, said the ruling appeared to be narrowly focused on the campaign contribution issue and did not limit tribal sovereignty in areas of self-government or economic development.

"Senate Committee Examines Campaign Financing Reforms"

Maryland Newsline - Published on 2/27/03

Week of 3/3/03 - Maryland

A Maryland Senate panel examined campaign financing against the backdrop of a General Assembly grappling with slot machines, and a study that linked gaming and $500,000 in election donations. Two Democrats took the lead in pleading significant changes to the state's campaign finance laws and one continued his annual drive to expose more information about campaign contributors. Sen. Ida Ruben presented Senate Bill 214 to raise the ceiling on total contributions from a single donor from $10,000 to $20,000. "The reason Maryland has so much soft money is because our ceiling for contributions is so low," said Ruben. Sen. Brian Frosh pushed legislation that would similarly cut back on soft money and donations. Senate Bill 132 would fix the 1991 legislation that introduced campaign funding limits in Maryland by closing the loophole allowing different companies with identical ownership to contribute as separate entities. Sen. Paul Pinsky's Senate Bill 259 would require contributors who donate more than $250 to a campaign to note their employer. The bill has died in committee every time it was introduced over the last 10 years.


FORWARD
E PLURIBUS UNUM

Griffiths, Terri

From: Rep.Seratti

Sent: Thursday, March 13, 2003 7:45 PM

To: *Legislative Assembly Republicans; *Legislative Senate Republicans

Subject: FW: Read quotes by Common Cause leader in CA!!

By Gregg Jones, Times Staff Writer

SACRAMENTO -- A state judge rejected Thursday an Indian tribe's claim of "sovereign immunity" from California campaign finance and lobbying laws, a ruling denounced by the tribe but hailed by others as a significant victory over a rising political powerhouse.

The 17-page ruling by a Sacramento Superior Court judge allows the state to proceed with a lawsuit accusing the Agua Caliente Band of Cahuilla Indians of violating campaign disclosure and lobbying laws. The suit accuses the Southern California tribe of missing deadlines for reporting more than $8 million in political donations over the last five years.

"We are really, really delighted and gratified by the decision," said Karen Getman, chairwoman of the state Fair Political Practices Commission. "It's a very strong affirmation of our ability to enforce the law against tribes to the same extent that we enforce it against any other group. That's key to making our disclosure system work."

The Agua Caliente tribe, which has parlayed profits from two Palm Springs-area casinos into state political power, condemned the ruling as "judicial error." The tribal council said it would consider "a prompt appeal" during a meeting Tuesday.

The central issue addressed by Thursday's ruling is whether California has the authority to force its 109 federally recognized Indian tribes to comply with laws that require timely disclosures of campaign contributions and lobbying expenses. Agua Caliente leaders had conceded in earlier arguments before the court that the tribe wasn't immune from state political disclosure laws.

The tribe, however, had argued that the federal doctrine of tribal immunity from suit shielded it from legal action by the FPPC, which enforces compliance with California's disclosure laws. It also said the state court lacked jurisdiction over the tribe.

Superior Court Judge Loren McMaster rejected these arguments.

"If large contributors to the electoral and initiative process -- like the tribe -- were not subject to FPPC enforcement actions, the institutions and processes of California's government would be subverted to a significant extent," he reasoned.

McMaster took pains to emphasize that his ruling in no way questioned the doctrine of tribal immunity when applied to tribal self-governance, commercial transactions, economic development and self-sufficiency.

But he ruled tribes were not immune "from suits alleging that they have violated state laws designed to protect the integrity of the state's own political processes, i.e., those laws that specifically regulate the tribes' campaign contributions and legislative lobbying activities."

In a statement, the Agua Caliente tribal council said the ruling "failed to follow clear federal law concerning [tribal] sovereignty."

State officials and public advocacy groups, however, said the ruling was a landmark defense of the integrity of the political process in California.

"Native American tribes have grown to become the state's largest campaign contributors, surpassing the teachers, doctors, trial lawyers, prison guards," said Jim Knox. He is executive director of California Common Cause, a public advocacy group that filed friend-of-the-court briefs supporting the state's position.

"The danger was the tribes would be able to exert influence that could not be detected by the press or the public," Knox added. Most of the state's tribes comply with disclosure requirements, officials said. But not Agua Caliente, state and advocacy groups contend.

"We can't underestimate the importance of this decision," said Getman. "Agua Caliente, in many ways, is the poster child for why we need disclosure laws."

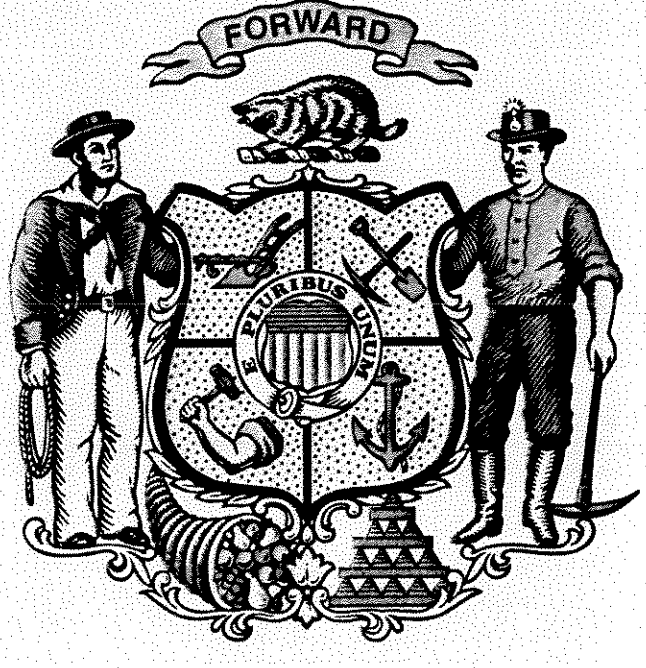
The tribe has contributed more than $10 million to state candidates and initiative campaigns over the last five years, Knox said. In addition to donating millions to candidates and ballot initiative campaigns, "they are very active in lobbying the state Legislature," having made contributions to 107 of 120 sitting legislators, Getman said.

Thursday's decision sets an important precedent for future challenges to political disclosure laws, in California and elsewhere, said Knox.

A nearly identical case is scheduled to be heard next week in the same Sacramento court, before a different judge, involving the Santa Rosa Rancheria Indian Community and Palace Indian Gaming Center in Kings County. That tribe also contends that it is not required to comply with state campaign contribution laws.

Getman called on the Agua Caliente leadership to "discuss a settlement" with the state. The tribe could face millions of dollars in fines if it loses the lawsuit.

"When you've got somebody playing at that level and throwing that much money around, they are clearly trying to influence California's elections and the California legislative process," Getman said. "There's nothing wrong with the tribes becoming powerful political players. You just can't do it in secret."


FORWARD
E PLURIBUS UNUM

HO-CHUNK NATION LEGISLATURE
Governing Body of the Ho-Chunk Nation

POSITION ON ASSEMBLY BILL 122

The Ho-Chunk Nation would like to thank Chairperson Freese and Committee members for considering these comments as you make your decision regarding AB-122. The Ho-Chunk Nation is opposed to AB-122 on a number of grounds and respectfully asks that the Assembly Committee on Campaigns & Elections keep this bill in Committee and not allow it to proceed any further in the legislative process.

We are opposed to this bill for the following reasons:

- AB-122 singles out one industry and prohibits those people involved in that industry from participating in the political process. The Native American Tribes of Wisconsin, including the Ho-Chunk, legally derive income from gaming operations. The Nation and its members has every right to participate in the political process to the same degree as every other citizen and organization in the United States.

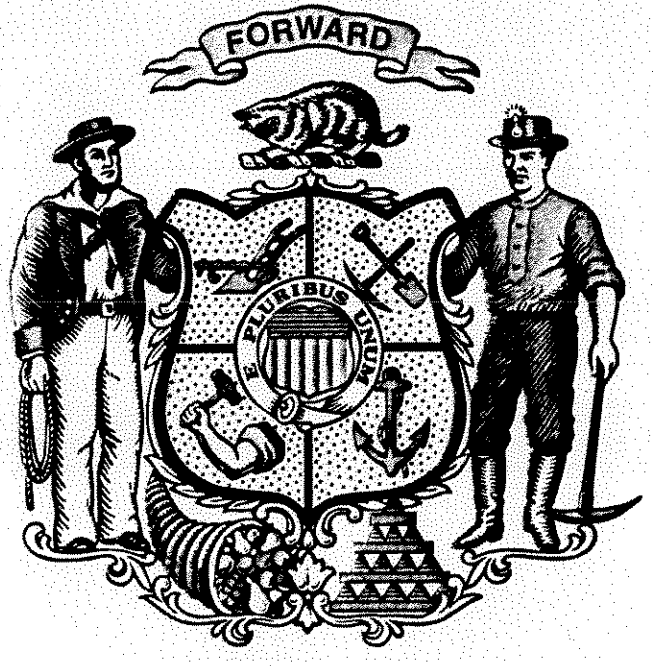
- It has been our understanding from the State Elections Board that, as a sovereign Nation, we are already prohibited from making contributions to state political candidates. We have been directed by the Elections Board that in order to be able to contribute to a political campaign, the Nation would need to establish a political action committee or a conduit and follow the rules and regulations for those entities. We have also been instructed that revenues in our treasury would be treated as corporate funds under state law and therefore could not be used for political contributions. In effect, the Ho-Chunk Nation would need to rely on the personal contributions of its members and employees as does any other PAC or conduit.

- Although the Ho-Chunk Nation currently does not have a political action committee or a conduit, and therefore does not make contributions to political candidates at the state level, we may decide to do so in the future. We believe this bill would prohibit our Tribal members and employees from contributing to a PAC or conduit and therefore infringe upon their First Amendment rights. We believe AB-122 is blatantly discriminatory and ask that you not support it.

We hope this information is useful to you in making your decision on whether to support AB-122. If you have any questions please feel free to contact our Madison attorney, Tom Springer at 608-255-4440.

Thank you for your time and consideration.

Executive Offices
W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343


FORWARD
E PLURIBUS UNUM

MEMO

AB-122

from Carrie Hoeper

500.14/16

Elections Bd. is treating them like corporations

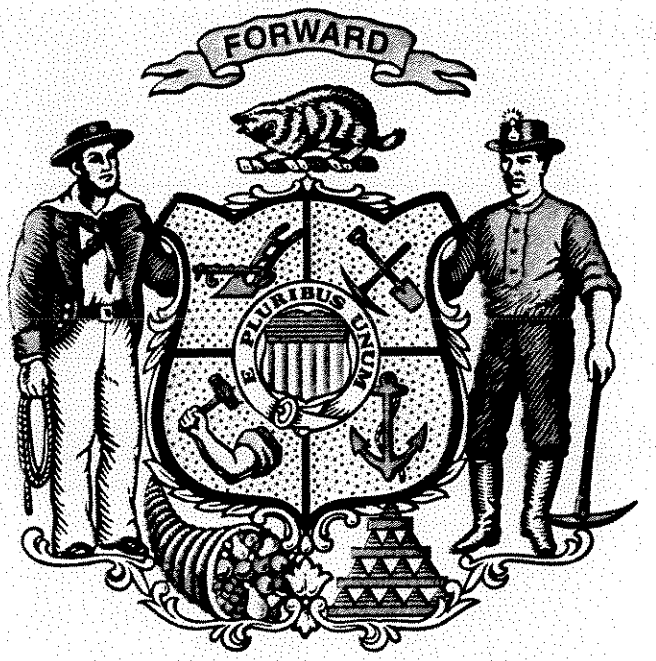
- individually -

The only PAC's
- WI Tribal PAC's -
Ind. Indian Gaming Assoc.
PAC - 100
$280 to Phil Kohl, $
Gov. Doyle
180 WI Last 10 years.

Written opinions from Elections Bd.

(Promulgate a rule on this?)

UNIVERSITY OF WISCONSIN FOUNDATION


FORWARD
E PLURIBUS UNUM

Previous Story || Headlines || Next Story

Tribes should accept ruling

North County Times
Editorial

The Agua Caliente Band of Cahuilla Indians should do themselves and California a favor by dropping their plan to appeal a judge's decision that the tribe must abide by the same rules as everyone else in declaring its political contributions.

After a Sacramento Superior Court judge ruled for the state Fair Political Practices Commission on Thursday, tribal attorneys said they would appeal, claiming sovereign immunity for the Riverside County tribe, which has contributed more than $8 million to political causes and candidates since 1998.

The tribe claims it does declare its donations, on the tribal Web site, just not according to FPPC rules. That's not good enough.

There is absolutely nothing to be gained by claiming the right to secrecy in handing out cash to politicians. That fails the first test of politics ---- the smell test.

Indian casinos have lifted thousands of tribal members out of poverty and made the tribes among the most powerful political players in the state. Tribes have made friends among politicians and millions of ordinary Californians. We congratulate them for their financial and political successes. But when it comes to political money, the tribes should play by the same rules as everybody else.

3/2/03

Previous Story || Headlines || Next Story