



1995 ASSEMBLY BILL 80

January 31, 1995 - Introduced by Representatives BALDWIN, BLACK, BOCK, CARPENTER, SPRINGER, HASENOHRL, CULLEN, HUBLER, BOYLE, BELL, REYNOLDS, TRAVIS, SCHNEIDER, KREUSER, ZIEGELBAUER, TURNER, R. YOUNG, GROBSCHMIDT, BALDUS, HUBER, R. POTTER and DUEHOLM, cosponsored by Senator CLAUSING. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT to repeal** 11.26 (1) (a) to (d) and 11.26 (2) (a) to (e); **to renumber and**
2 **amend** 11.26 (1) (intro.) and 11.26 (2) (intro.); **to amend** 11.26 (5), 11.26 (10)
3 and 11.50 (2) (b) 5.; and **to create** 11.31 (5m) of the statutes; **relating to:**
4 limitations upon contributions to candidates for state or local office and
5 imposition of disbursement limitations upon individuals and committees
6 making independent disbursements.

Analysis by the Legislative Reference Bureau

Currently, individuals and committees making political contributions to candidates for state or local office are subject to limitations on the amount or value of any contribution or contributions that may be made cumulatively to any candidate in a campaign. The limitations vary from \$10,000 in the case of an individual making a contribution to a candidate for statewide office to \$250 in the case of an individual making a contribution to a candidate for certain local offices, and from \$43,238 in the case of a committee making a contribution to a candidate for governor to \$200 in the case of a committee making a contribution to a candidate for certain local offices. This bill replaces all these limitations with a contribution limitation of \$100 applicable to an individual or committee making any contribution or contributions cumulatively to any candidate for state or local office, per campaign.

Currently, an individual or committee making expenditures to advocate the election or defeat of a candidate in an election independently of any candidate or personal campaign committee is not subject to any limitation upon the amount of

expenditures that may be made. The bill imposes a limitation upon such expenditures of \$100 per candidate per campaign.

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

1 **SECTION 1.** 11.26 (1) (intro.) of the statutes is renumbered 11.26 (1) and
2 amended to read:

3 11.26 (1) No individual may make any contribution or contributions to a
4 candidate for election or nomination to ~~any of the following offices~~ state or local office
5 and to any individual or committee under s. 11.06 (7) acting solely in support of such
6 a candidate or solely in opposition to the candidate's opponent to the extent of more
7 than a total of the ~~amounts specified~~ \$100 per candidate.

8 **SECTION 2.** 11.26 (1) (a) to (d) of the statutes are repealed.

9 **SECTION 3.** 11.26 (2) (intro.) of the statutes is renumbered 11.26 (2) and
10 amended to read:

11 11.26 (2) No committee other than a political party committee or legislative
12 campaign committee may make any contribution or contributions to a candidate for
13 election or nomination to ~~any of the following offices~~ state or local office and to any
14 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
15 or solely in opposition to the candidate's opponent to the extent of more than a total
16 of the ~~amounts specified~~ \$100 per candidate.

17 **SECTION 4.** 11.26 (2) (a) to (e) of the statutes are repealed.

18 **SECTION 5.** 11.26 (5) of the statutes is amended to read:

19 11.26 (5) The contribution limits provided in subs. (1) and (4) ~~do not~~ apply to
20 a candidate who makes any contribution or contributions to his or her own campaign
21 for office from the candidate's personal funds or property or the personal funds or

1 property which are owned jointly or as marital property with the candidate's spouse,
2 with respect to any contribution or contributions made to that candidate's campaign
3 only. A candidate's personal contributions shall be deposited in his or her campaign
4 depository account and reported in the normal manner.

5 **SECTION 6.** 11.26 (10) of the statutes is amended to read:

6 11.26 (10) No candidate for state office who files a sworn statement and
7 application to receive a grant from the Wisconsin election campaign fund may make
8 contributions of more than ~~200%~~ of the amounts amount specified in sub. (1) to the
9 candidate's own campaign from the candidate's personal funds or property or the
10 personal funds or property which are owned jointly or as marital property with the
11 candidate's spouse, ~~unless the board determines that the candidate is not eligible to~~
12 ~~receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h),~~
13 ~~or s. 11.50 (2) (i) applies.~~ For purposes of this subsection, any contribution received
14 by a candidate or his or her personal campaign committee from a committee which
15 is registered with the federal elections commission as the authorized committee of
16 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the
17 candidate to his or her own campaign. The contribution limit of sub. (4) applies to
18 amounts contributed by such a candidate personally to the candidate's own
19 campaign and to other campaigns, ~~except that a candidate may exceed the limitation~~
20 ~~if authorized under this subsection to contribute more than the amount specified to~~
21 ~~the candidate's own campaign, up to the amount of the limitation.~~

22 **SECTION 7.** 11.31 (5m) of the statutes is created to read:

23 11.31 (5m) INDEPENDENT DISBURSEMENTS. No individual, other than a
24 candidate, and no committee, other than a personal campaign committee, may make
25 disbursements, which are to be used to advocate the election or defeat of any clearly

1 identified candidate in an election, exceeding \$100 in amount or value per candidate
2 per campaign.

3 **SECTION 8.** 11.50 (2) (b) 5. of the statutes is amended to read:

4 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
5 of the date of the spring or September primary, or the date that the special primary
6 is or would be held, if required, indicate that the candidate has received at least the
7 amount provided in this subdivision, from contributions of money, other than loans,
8 made by individuals, which have been received during the period ending on the date
9 of the spring primary and July 1 preceding such date in the case of candidates at the
10 spring election, or the date of the September primary and January 1 preceding such
11 date in the case of candidates at the general election, or the date that a special
12 primary will or would be held, if required, and 90 days preceding such date or the
13 date a special election is ordered, whichever is earlier, in the case of special election
14 candidates, which contributions are in the aggregate amount of \$100 or less, and
15 which are fully identified and itemized as to the exact source thereof. A contribution
16 received from a conduit which is identified by the conduit as originating from an
17 individual shall be considered a contribution made by the individual. Only the first
18 \$100 of an aggregate contribution of more than \$100 may be counted toward the
19 required percentage. For a candidate at the spring or general election for an the
20 office identified in s. 11.26 (1) (a) of governor, lieutenant governor, secretary of state,
21 state treasurer, attorney general, state superintendent or justice or a any candidate
22 at a special election, the required amount to qualify for a grant is 5% of the
23 candidate's authorized disbursement limitation under s. 11.31. For any other

1 candidate at the general election, the required amount to qualify for a grant is 10%
2 of the candidate's authorized disbursement limitation under s. 11.31.

3 (END)