



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 89**  
[2009 Senate Bill 40]

**Public Financing of Supreme Court  
Campaigns**

2009 Wisconsin Act 89 creates the Democracy Trust Fund from which eligible candidates for the Office of Justice of the Supreme Court may receive public financing derived from general purpose revenues and from an expanded income tax check-off. The fund is to be administered by the state treasurer. An eligible candidate is a candidate for the Office of Justice who has an opponent who has qualified to have his or her name certified for placement on the ballot at the spring primary or election. An eligible candidate:

1. May not accept private contributions other than seed money contributions and qualifying contributions.
2. May not accept more than \$25 in cash from any contributor or accept cash from all sources in a total amount greater than .1% of the public financing benefit or \$500, whichever is greater.
3. May not make any disbursement derived from personal funds after the close of the public financing qualifying period. This period ends on the last day that nomination papers may be filed.

Public financing is provided to an eligible candidate in the amount of \$100,000 for a primary election campaign and in the amount of \$300,000 for a general election campaign. These amounts are subject to a biennial cost of living adjustment based on the consumer price index, all items, U.S. city average, published by the U.S. Department of Labor.

If an eligible candidate is opposed in a primary or election by a candidate who does not apply for, is ineligible for, or fails to qualify for public financing, and the opponent makes disbursements in a total amount that exceeds by more than 5% the amount of the public financing benefit for an eligible candidate at the same primary or election, the eligible candidate will receive additional funding equal to the excess disbursements, but not more than, in the aggregate, three times the amount of the public financing benefit.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

In addition, if the aggregate independent disbursements made or obligated to be made by a person against an eligible candidate or for the opponents of that candidate exceed 120% of the public financing benefit for that office during the primary election campaign period or the election campaign period, the eligible candidate receives an additional benefit amount. This amount will be equal to the total disbursements made or obligated to be made by a person, but not to exceed an amount equal to three times the public financing benefit payable to a candidate for the applicable office at the primary or other election for which the benefit is received.

A candidate not participating in the Democracy Trust Fund may accept contributions from private sources without limitation. However, no person may make a contribution to that candidate exceeding a total of \$1,000 during any campaign.

***Effective date:*** The Act takes effect on December 1, 2010.

***Prepared by:*** Ronald Sklansky, Senior Staff Attorney

December 11, 2009

RS:jal