



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2009 Senate Bill 40**

**Senate Amendments  
1, 2, 3, and 4**

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### **2009 Senate Bill 40**

Senate Bill 40 creates a Democracy Trust Fund (DTF) to finance elections for eligible candidates for the Office of Supreme Court Justice. The public financing benefit from the DTF is \$100,000 for the primary election and \$300,000 for the spring election, subject to a biennial cost of living adjustment. The bill also limits the application of the Wisconsin Election Campaign Fund (WECF) under current law to state offices other than the Office of Supreme Court Justice.

A candidate becomes eligible for a public financing benefit from the DTF by satisfying certain criteria in the bill, including receiving qualifying contributions in amounts of \$5 to \$100 from at least 1,000 separate contributors who are electors of the state, in an aggregate amount of \$5,000 to \$15,000. In addition, the bill permits an eligible candidate to accept seed money contributions, which are contributions from electors of the state in amounts of \$100 or less or contributions from personal funds. Aggregate seed money contributions, including personal funds but not including qualifying contributions, may not exceed \$5,000.

The bill provides for supplemental grants to be distributed to eligible candidates under two circumstances. First, if a nonparticipating opponent of an eligible candidate makes disbursements in an amount that is more than 5% greater than the public financing benefit, the eligible candidate receives an additional benefit amount equivalent to the total excess disbursements made or obligated to be made, but not to exceed three times the public financing benefit for the applicable office.

Second, if the aggregate independent disbursements against an eligible candidate for an office or for the opponents of that candidate exceed 120% of the public financing benefit for that office in any campaign, the eligible candidate receives an additional benefit amount equivalent to the total disbursements made or obligated to be made, but not to exceed three times the public financing benefit for the applicable office.

Lastly, the bill increases the income tax check-off that funds the WECF from \$1 to \$3. The DTF is funded by \$2 of the \$3 income tax check-off, and, if the check-off does not generate sufficient funds to fully fund the public financing benefits and the administration of the DTF, then additional general purpose revenue (GPR) is appropriated to fund those costs.

### **Senate Amendment 1**

Senate Amendment 1 eliminates a duplicative reference in the GPR appropriation provision.

### **Senate Amendment 2**

Senate Amendment 2 provides that the state treasurer, not the Government Accountability Board (GAB), issues the public financing benefit and that lines of credit, and not checks, are used to distribute the public financing benefit. Further, the amendment corrects a reference in the definition of “public financing benefit.” Finally, the amendment provides that, with respect to grants made in response to independent expenditures, the supplemental grant will equal the aggregate independent disbursements exceeding the applicable public financing benefit.

### **Senate Amendment 3**

Senate Amendment 3 provides that if a nonparticipating opponent of an eligible candidate makes disbursements in an amount that is more than 5% greater than the public financing benefit, the eligible candidate receives an additional benefit amount equivalent to the total excess ***disbursement amount made or obligated to be made, but not to exceed, in the aggregate, exclusive of any amount to which the candidate is entitled under the independent disbursement supplemental grant, 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.***

### **Senate Amendment 4**

Senate Amendment 4 provides that if the aggregate independent disbursements ***made or obligated to be made by a person*** against an eligible candidate for an office or for the opponents of that candidate exceed 120% of the public financing benefit for that office in ***the primary election campaign period or the election campaign period***, the eligible candidate receives an additional benefit amount equivalent to the total disbursements made or obligated to be made ***by a person***, but not to exceed, ***exclusive of any amount to which a candidate is entitled under the opponent disbursement supplemental grant, 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.***

### **Legislative History**

Senate Amendments 1, 2, 3, and 4 were adopted by the Senate on November 5, 2009 on voice votes. The Senate passed the bill on the same day on a vote of Ayes, 19; Noes, 13.

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