



## WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

### Campaign Contribution Limits

Wisconsin law places limits on campaign contributions to candidates for state office, political party committees, and legislative campaign committees. Specifically, state law limits the amount that an individual or committee may contribute to a candidate and the amount that a committee may contribute to a political party or legislative campaign committee.

This Information Memorandum describes the contribution limits in state law and also briefly discusses two recent court decisions that enjoined aggregate limits on: (1) individual contributions to all candidates and committees combined; and (2) committee contributions to candidates.<sup>1</sup>

#### **CONTRIBUTIONS TO CANDIDATES FOR STATE OFFICE**

State law limits the amount that an individual or committee<sup>2</sup> may contribute to a candidate for state office,<sup>3</sup> as outlined in Table 1 below. [s. 11.26 (1) and (2), Stats.]

However, the contribution limits do not apply to a political party or legislative campaign committee. Accordingly, a political party or legislative campaign committee may contribute an unlimited amount to a candidate for state office.

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<sup>1</sup> This Information Memorandum does not address limits on contributions to candidates for local office, which is also governed by state law. In addition, this Information Memorandum does not address limitations on contributions made by corporations under s. 11.38 (1) (a) 1., Stats.

<sup>2</sup> A “committee” means any person, other than an individual, and any combination of two or more persons, permanent or temporary, that makes or accepts contributions or makes disbursements, whether or not engaged in activities that are exclusively political. The terms “contributions” and “disbursements” generally refer to certain activities done for “political purposes,” as defined in s. 11.01 (16), Stats. [s. 11.01 (4), (6), and (7), Stats.] A “committee” includes a political party committee, legislative campaign committee, special interest committee (commonly referred to as a “political action committee” or “PAC”), and candidate’s personal campaign committee or support committee.

<sup>3</sup> The contribution limits for candidates also apply to the amount that an individual or committee may contribute to an individual (other than a candidate) or committee (other than a personal campaign committee) that: (1) desires to make disbursements to advocate the election or defeat of a clearly identified candidate; (2) files an oath affirming that it will act independently of any candidate, candidate’s agent, or candidate’s authorized committee; and (3) acts solely in support of a candidate for state office or solely in opposition to the candidate’s opponent. [ss. 11.06 (7) and 11.26 (1) and (2), Stats.]

<b>Table 1: Contribution Limits: Candidates for State Office</b>		
	<b>Individual</b>	<b>Committee</b>
Governor	\$10,000	\$43,128
Lieutenant Governor	\$10,000	\$12,939
Attorney General	\$10,000	\$21,560
Secretary of State	\$10,000	\$ 8,625
State Treasurer	\$10,000	\$ 8,625
State Superintendent	\$10,000	\$ 8,625
Supreme Court Justice	\$10,000	\$ 8,625
Court of Appeals Judge (District I)	\$ 3,000	\$ 3,000
Court of Appeals Judge (Districts II, III, & IV)	\$ 2,500	\$ 2,500
Circuit Court Judge (Milwaukee, Dane, & Waukesha Counties)	\$ 3,000	\$ 3,000
Circuit Court Judge (Other Counties)	\$ 1,000	\$ 1,000
District Attorney (Milwaukee, Dane, & Waukesha Counties)	\$ 3,000	\$ 3,000
District Attorney (Other Counties)	\$ 1,000	\$ 1,000
State Senator	\$ 1,000	\$ 1,000
State Representative	\$ 500	\$ 500

The contribution limits apply cumulatively to the candidate’s campaign for the primary and election. A candidate is not bound by the contribution limits for personal contributions that the candidate makes to his or her own campaign. [s. 11.26 (3) and (5), Stats.]

In addition to these contribution limits, state law places aggregate limits on: (1) individual contributions to all candidates and committees combined; and (2) committee contributions to candidates. However, the aggregate limits are **not in effect** because of two recent court decisions. The following are descriptions of each aggregate limit and the court decision prohibiting enforcement of the limit:

- Aggregate Limit on Individual Contributions: An individual may not exceed \$10,000 per calendar year in contributions to any combination of the following recipients: (1) candidates for state and local offices; and (2) individuals who or committees that are required to register under the state campaign finance law, including political party and legislative campaign committees. [s. 11.26 (4), Stats.] On May 22, 2014, the U.S. District Court for the Eastern District of Wisconsin issued an order enjoining enforcement of this aggregate limit. [*Young v. Vocke*, Case No. 13-CV-635.] In that case, the parties stipulated to the injunction after the U.S. Supreme Court struck down a similar aggregate limit in federal law in *McCutcheon v. Federal Election Commission*, 134 S. Ct. 1434 (2014).

- **Aggregate Limits on Committee Contributions:** A candidate may not accept more than: (1) 65 percent of the total disbursement level in s. 11.31, Stats., for the office for which he or she is a candidate from all committees combined, *including* any political party and legislative campaign committees; and (2) 45 percent of the total disbursement level for the office for which he or she is a candidate from all committees combined, *excluding* political party and legislative campaign committees. [s. 11.26 (9), Stats.] On September 5, 2014, the U.S. District Court for the Eastern District of Wisconsin issued a preliminary injunction that prohibits the Government Accountability Board (GAB) from enforcing these aggregate limits. [*CRG Network v. Barland*, Case No. 14-CV-719.]

**CONTRIBUTIONS TO COMMITTEES**

An individual generally may contribute an unlimited amount to a committee (except for contributions to candidate committees). As described above, the \$10,000 aggregate limit on individual contributions to all candidates and committees combined is not in effect.

In addition, a political party or legislative campaign committee may contribute an unlimited amount to a committee, and a committee may contribute an unlimited amount to another committee (except for contributions to political party, legislative campaign, and candidate committees).

**CONTRIBUTIONS TO POLITICAL PARTY AND LEGISLATIVE CAMPAIGN COMMITTEES**

State law limits the amount that a political party or legislative campaign committee may accept from committees in the following manner:

- A political party or legislative campaign committee may not accept more than a total of \$6,000 in contributions in any calendar year from any specific committee or its subunits or affiliates, excluding legislative campaign and political party committees. [ss. 11.26 (8) (b) and (c) and 11.265 (2) and (3), Stats.]
- A political party or legislative campaign committee may not accept more than a total of \$150,000 in value of its contributions in any biennium from all other committees, excluding contributions from legislative campaign committees and transfers between committees of the party. [ss. 11.26 (8) (a) and 11.265 (2) and (3), Stats.]

<b>Table 2: Contribution Limits: Political Party and Legislative Campaign Committees</b>			
<b>RECIPIENT</b>	<b>CONTRIBUTOR</b>		
		<b>Single Committee</b>	<b>All Committees Combined</b>
	<b>Political Party Committee</b>	\$6,000 (calendar year)	\$150,000 (biennium)
<b>Legislative Campaign Committee</b>	\$6,000 (calendar year)	\$150,000 (biennium)	

However, the contribution limits to political party and legislative campaign committees do not apply to contributions made by individuals or by political party or legislative campaign committees. Accordingly, an individual may contribute an unlimited amount to a political party or legislative campaign committee. A political party committee may contribute an unlimited amount to a legislative campaign committee or to another political party committee. A legislative campaign committee may contribute an unlimited amount to a political party committee or to another legislative campaign committee.

**SUMMARY OF CONTRIBUTION LIMITS**

Table 3, below, summarizes which contributions are limited and which contributions are unlimited. See Tables 1 and 2 for additional information on contributions that are limited.

		<b>Table 3: Contributions to Candidates, Committees, Political Party Committees, and Legislative Campaign Committees</b>			
		<b>CONTRIBUTOR</b>			
<b>RECIPIENT</b>		<b>Individual</b>	<b>Committee</b>	<b>Political Party Committee</b>	<b>Legislative Campaign Committee</b>
	<b>Candidate</b>	Limited (Table 1)	Limited (Table 1)	Unlimited	Unlimited
	<b>Committee</b>	Unlimited	Unlimited	Unlimited	Unlimited
	<b>Political Party Committee</b>	Unlimited	Limited (Table 2)	Unlimited	Unlimited
	<b>Legislative Campaign Committee</b>	Unlimited	Limited (Table 2)	Unlimited	Unlimited

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Jessica Karls-Ruplinger, Principal Attorney, on December 12, 2014.