



2005 ASSEMBLY BILL 1223

May 4, 2006 - Introduced by Representative KESSLER. Referred to Committee on Rules.

1 **AN ACT** *to repeal* 11.01 (2); and *to amend* 8.35 (4) (a) 1. a. and b., 8.35 (4) (a) 1.
2 c., 11.06 (1) (e), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2) and 11.38 (6)
3 of the statutes; **relating to:** disposition of certain contributions or other
4 moneys in campaign treasuries.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, a registrant under the campaign finance law is generally prohibited from making a disbursement (expenditure) from moneys solicited for political purposes for a purpose that is other than political. However, a registrant that receives a contribution from an unregistered nonresident, an unlawful corporate contribution, or a cash contribution exceeding \$50 must either return the contribution to the source or donate the contribution to a charitable organization or to the state common school fund. Residual moneys in a campaign treasury when a registrant ceases financial activity may be treated likewise. In addition, an anonymous contribution exceeding \$10 must be donated to a charitable organization or to the common school fund.

This bill eliminates the option to transfer contributions or other moneys to a charitable organization in the circumstances described above.

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

ASSEMBLY BILL 1223**SECTION 1**

1 **SECTION 1.** 8.35 (4) (a) 1. a. and b. of the statutes, as affected by 2005 Wisconsin
2 Act 177, are amended to read:

3 8.35 (4) (a) 1. a. Donated to the former candidate's local or state political party
4 if the former candidate was a partisan candidate or donated to the charitable
5 ~~organization of the former candidate's choice or the charitable organization chosen~~
6 common school fund if so elected by the former candidate or by the former candidate's
7 next of kin if the former candidate is deceased, or if no choice election is made
8 returned to the donors on a proportional basis; or

9 b. If the former candidate was a nonpartisan candidate, donated to the
10 ~~charitable organization of the former candidate's choice or the charitable~~
11 ~~organization chosen~~ common school fund if so elected by the former candidate or by
12 the former candidate's next of kin if the former candidate is deceased; or

13 **SECTION 2.** 8.35 (4) (a) 1. c. of the statutes is amended to read:

14 8.35 (4) (a) 1. c. If no choice election is made, returned to the donors on a
15 proportional basis, with contributions which cannot be identified donated in
16 accordance with subd. 1. a. or b.

17 **SECTION 3.** 11.01 (2) of the statutes is repealed.

18 **SECTION 4.** 11.06 (1) (e) of the statutes, as affected by 2005 Wisconsin Act 177,
19 is amended to read:

20 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
21 source donated to ~~a charitable organization or to the common school fund~~, with the
22 full name and mailing address of the donee.

23 **SECTION 5.** 11.07 (5) of the statutes, as affected by 2005 Wisconsin Act 177, is
24 amended to read:

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1 11.07 (5) Any campaign treasurer or individual who knowingly receives a
2 contribution made by an unregistered nonresident in violation of this section may
3 not use or expend such contribution but shall immediately return it to the source or
4 at the option of the campaign treasurer or individual, donate the contribution to ~~a~~
5 ~~charitable organization or to the common school fund.~~

6 **SECTION 6.** 11.12 (2) of the statutes, as affected by 2005 Wisconsin Act 177, is
7 amended to read:

8 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
9 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
10 expended. The contribution shall be donated to the common school fund ~~or to any~~
11 ~~charitable organization at the option of the treasurer.~~

12 **SECTION 7.** 11.16 (2) of the statutes, as affected by 2005 Wisconsin Act 177, is
13 amended to read:

14 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
15 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
16 credit card receipt bearing on the face the name of the remitter. No treasurer may
17 accept a contribution made in violation of this subsection. The treasurer shall
18 promptly return the contribution, or donate it to the common school fund ~~or to a~~
19 ~~charitable organization~~ in the event that the donor cannot be identified.

20 **SECTION 8.** 11.19 (1) of the statutes, as affected by 2005 Wisconsin Act 177, is
21 amended to read:

22 11.19 (1) Whenever any registrant disbands or determines that obligations will
23 no longer be incurred, and contributions will no longer be received nor disbursements
24 made during a calendar year, and the registrant has no outstanding incurred
25 obligations, the registrant shall file a termination report with the appropriate filing

ASSEMBLY BILL 1223**SECTION 8**

1 officer. Such report shall indicate a cash balance on hand of zero at the end of the
2 reporting period and shall indicate the disposition of residual funds. Residual funds
3 may be used for any political purpose not prohibited by law, returned to the donors
4 in an amount not exceeding the original contribution, or donated to ~~a charitable~~
5 ~~organization~~ or the common school fund. The report shall be filed and certified as
6 were previous reports, and shall contain the information required by s. 11.06 (1). A
7 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
8 subsection with a termination report filed under this subsection. If a termination
9 report or suspension report under sub. (2) is not filed, the registrant shall continue
10 to file periodic reports with the appropriate filing officer, no later than the dates
11 specified in s. 11.20. This subsection does not apply to any registrant making an
12 indication under s. 11.05 (2r).

13 **SECTION 9.** 11.23 (2) of the statutes, as affected by 2005 Wisconsin Act 177, is
14 amended to read:

15 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
16 or group treasurer may not be used or expended. The contribution shall be donated
17 to the common school fund ~~or to any charitable organization at the option of the~~
18 ~~treasurer.~~

19 **SECTION 10.** 11.38 (6) of the statutes, as affected by 2005 Wisconsin Act 177,
20 is amended to read:

21 11.38 (6) Any individual or campaign treasurer who receives funds in violation
22 of this section shall promptly return such funds to the contributor or donate the funds
23 to the common school fund ~~or a charitable organization,~~ at the treasurer's option.

24 **SECTION 11. Initial applicability.**

