

## 2003 SENATE BILL 337

December 3, 2003 – Introduced by Senators HARSDORF, SCHULTZ, BROWN, STEPP, ELLIS and COWLES, cosponsored by Representatives FREESE, GUNDRUM, POCAN, BLACK, KESTELL, MUSSER, M. LEHMAN, LEMAHIEU, LADWIG, BIES, OLSEN, MCCORMICK, VAN ROY, HAHN, HINES, PETROWSKI, POPE-ROBERTS, GOTTLIEB and SERATTI. Referred to Committee on Education, Ethics and Elections.

1     **AN ACT to repeal and recreate** 11.24 (4) of the statutes; and **to affect** 2001  
2           Wisconsin Act 109, section 9115 (2y) (b); **relating to:** acceptance of certain  
3           political contributions by certain elective state officials and committees.

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### *Analysis by the Legislative Reference Bureau*

The bill prohibits any incumbent partisan elective state official or his or her personal campaign or authorized support committee from accepting any political contribution for the purpose of promoting his or her nomination or reelection to the office held by the official during the period from the first Monday in January of each odd-numbered year through the date of enactment of the biennial budget act. The prohibition does not apply to contributions accepted by an incumbent official who is subject to a recall election or by the official's personal campaign or authorized support committee from the date on which the petition for a recall election is filed until the date of the recall election.

Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1           **SECTION 1.** 11.24 (4) of the statutes, as created by 2001 Wisconsin Act 109, is  
2 repealed and recreated to read:

3           11.24 (4) (a) No incumbent partisan state elective official or personal campaign  
4 committee or support committee authorized under s. 11.05 (3) (p) of such an official  
5 may accept any contribution for the purpose of promoting that official's nomination  
6 or reelection to the office held by the official during the period beginning on the first  
7 Monday of January in each odd-numbered year and ending on the date of enactment  
8 of the biennial budget act.

9           (b) Notwithstanding par. (a), an incumbent partisan state elective official  
10 against whom a recall petition has been filed or personal campaign or authorized  
11 support committee of such an official may accept a contribution during the period  
12 beginning on the date on which the petition is filed under s. 9.10 (3) (b) and ending  
13 on the date of the recall election or the date on which the official resigns if the official  
14 resigns at an earlier date under s. 9.10 (3) (c).

15           **SECTION 2.** 2001 Wisconsin Act 109, section 9115 (2y) (b), as last affected by  
16 2003 Wisconsin Act 39, is amended to read:

17           [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section  
18 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections  
19 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the  
20 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,  
21 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),

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1 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), and 71.10 (3) (a) of the  
2 statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30  
3 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05  
4 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06  
5 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09  
6 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title),  
7 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20  
8 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3),  
9 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26  
10 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a),  
11 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title),  
12 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4.,  
13 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50  
14 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by  
15 SECTION 2d), 20.510 (1) (q), 25.42, 71.08 (1) (intro.), and 71.10 (3) (b) of the statutes,  
16 the repeal and recreation of sections 11.05 (9) (title) and 11.50 (4) of the statutes, the  
17 creation of sections 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a)  
18 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06  
19 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9),  
20 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24 (1w), ~~11.24 (4)~~, 11.26 (1m), 11.26 (1t), 11.26  
21 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a)  
22 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p),  
23 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm)  
24 and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b),  
25 11.50 (14), 11.60 (3r), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04

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**SECTION 2**

1 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244  
2 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment  
3 of those provisions by this act is void.

4 (END)