2005 ASSEMBLY BILL 66

February 1, 2005 – Introduced by Representatives Freese, Bies, Black, Hahn, Hines, Jeskewitz, Lehman, Pocan and Townsend, cosponsored by Senators Harsdorf, Cowles, A. Lasee and Roessler. Referred to Committee on Campaigns and Elections.

- 1 AN ACT to repeal and recreate 11.24 (4); and to create 11.60 (3p) of the statutes;
- relating to: acceptance of certain political contributions by certain elective
 state officials and committees.

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.

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

SECTION 1. 11.24 (4) of the statutes, as created by 2001 Wisconsin Act 109, is repealed and recreated to read:

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

- (b) Notwithstanding par. (a), an incumbent partisan state elective official against whom a recall petition has been filed or personal campaign or authorized support committee of such an official may accept a contribution during the period beginning on the date on which the petition is filed under s. 9.10 (3) (b) and ending on the date of the recall election or the date on which the official resigns if the official resigns at an earlier date under s. 9.10 (3) (c).
 - **Section 2.** 11.60 (3p) of the statutes is created to read:
- 11.60 **(3p)** Notwithstanding sub. (1), any elective state official or personal campaign or authorized support committee of such an official who accepts a contribution in violation of s. 11.24 (4) shall forfeit treble the amount of the contribution.

20 (END)