

2005 ASSEMBLY BILL 1101

March 9, 2006 – Introduced by Representatives PARISI, POPE-ROBERTS, LEHMAN, BERCEAU and BOYLE, cosponsored by Senator WIRCH. Referred to Committee on Campaigns and Elections.

1 **AN ACT to repeal** 11.31 (1) (e), 11.31 (1) (f) and 11.31 (3m); **to renumber and**
2 **amend** 11.31 (2); **to amend** 11.26 (10) and 11.31 (4); **to repeal and recreate**
3 11.26 (10) and 11.31 (2); and **to create** 11.26 (10) (b) and 11.31 (2) (b) of the
4 statutes; **relating to:** imposition of disbursement and self-contribution limits
5 applicable to candidates for legislative offices.

Analysis by the Legislative Reference Bureau

Under current law, campaign disbursement (spending) levels are prescribed for all offices. A disbursement level operates as a binding limitation only upon a candidate who accepts a grant from the Wisconsin election campaign fund or who files an affidavit voluntarily agreeing to accept the level as a disbursement limitation. Current law also prescribes a contribution limit equal to 200 percent of the applicable individual contribution limit for a candidate making contributions to his or her own campaign. This limit applies only to a candidate who accepts a grant from the Wisconsin election campaign fund or a candidate who files an affidavit voluntarily agreeing to accept the limit. Under current law, a candidate who accepts a grant is released from his or her obligation to adhere to the disbursement and self-contribution limits if he or she is opposed by a major opponent who could have qualified to receive a grant but who declines to accept one. Currently, the disbursement level or limit for a candidate for the office of state senator is \$34,500 total, with disbursements not exceeding \$21,575 for the either the primary or the election. The disbursement level or limit for a candidate for the office of

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representative to the assembly is \$17,250, with disbursements not exceeding \$10,775 for either the primary or the election. The self-contribution limit for a candidate for the office of state senator is \$2,000 per campaign, and the self-contribution limit for a candidate for office of representative to the assembly is \$1,000 per campaign.

This bill creates a new disbursement limit for candidates for the office of state senator of \$100,000 and a new disbursement limit for the office of representative to the assembly of \$50,000. The bill also provides that these limits, as well as the current self-contribution limits, are binding upon all candidates for these offices regardless of whether they accept grants from the Wisconsin election campaign fund.

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

1 **SECTION 1.** 11.26 (10) of the statutes is amended to read:

2 11.26 **(10)** (a) No candidate for a state office other than state senator or
3 representative to the assembly who files a sworn statement and application to
4 receive a grant from the Wisconsin election campaign fund may make contributions
5 of more than 200% of the amounts specified in sub. (1) to the candidate's own
6 campaign from the candidate's personal funds or property or the personal funds or
7 property which are owned jointly or as marital property with the candidate's spouse,
8 unless the board determines that the candidate is not eligible to receive a grant, the
9 candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i)
10 applies.

11 (c) For purposes of this subsection, any contribution received by a candidate or
12 his or her personal campaign committee from a committee which is registered with
13 the federal elections commission as the authorized committee of the candidate under
14 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her
15 own campaign.

16 (d) The contribution limit of sub. (4) applies to amounts contributed by such a
17 candidate personally to the candidate's own campaign and to other campaigns,

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1 except that a candidate may exceed the limitation if authorized under this subsection
2 to contribute more than the amount specified to the candidate's own campaign, up
3 to the amount of the limitation.

4 **SECTION 2.** 11.26 (10) of the statutes, as affected by 2001 Wisconsin Act 109,
5 is repealed and recreated to read:

6 11.26 **(10)** (a) No candidate for state office other than state senator or
7 representative to the assembly who files an application to receive a grant from the
8 Wisconsin election campaign fund and an affidavit under s. 11.31 (2m) (a) may make
9 contributions of more than 200 percent of the applicable amount specified in sub. (1)
10 to the candidate's own campaign from the candidate's personal funds or property or
11 the personal funds or property that are owned jointly or as marital property with the
12 candidate's spouse, unless the board determines that the candidate is not eligible to
13 receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h),
14 or s. 11.31 (3p) or 11.50 (2) (i) applies to the candidate.

15 (b) No candidate for the office of state senator or representative to the assembly
16 may make contributions of more than 200 percent of the applicable amount specified
17 in sub. (1) to the candidate's own campaign from the candidate's personal funds or
18 property or the personal funds or property that are owned jointly or as martial
19 property with the candidate's spouse.

20 (c) For purposes of this subsection, any contribution received by a candidate or
21 his or her personal campaign committee from a committee which is registered with
22 the federal elections commission as the authorized committee of the candidate under
23 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her
24 own campaign.

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1 (d) The contribution limit of sub. (4) applies to amounts contributed by such a
2 candidate personally to the candidate's own campaign and to other campaigns,
3 except that a candidate may exceed the limitation if authorized under this subsection
4 to contribute more than the amount specified to the candidate's own campaign, up
5 to the amount of the limitation.

6 **SECTION 3.** 11.26 (10) (b) of the statutes is created to read:

7 11.26 (10) (b) No candidate for the office of state senator or representative to
8 the assembly may make contributions of more than 200 percent of the amounts
9 specified in sub. (1) to the candidate's own campaign from the candidate's personal
10 funds or property or the personal funds or property that are owned jointly with the
11 candidate's spouse.

12 **SECTION 4.** 11.31 (1) (e) of the statutes, as affected by 2001 Wisconsin Act 109,
13 is repealed.

14 **SECTION 5.** 11.31 (1) (f) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed.

16 **SECTION 6.** 11.31 (2) of the statutes is renumbered 11.31 (2) (a) and amended
17 to read:

18 11.31 (2) (a) No candidate for state office at a spring or general election, other
19 than a candidate for the office of state senator or representative to the assembly, who
20 files a sworn statement and application to receive a grant from the Wisconsin election
21 campaign fund may make or authorize total disbursements from the campaign
22 treasury in any campaign to the extent of more than the amount prescribed in sub.
23 (1), unless the board determines that the candidate is not eligible to receive a grant,
24 the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2)
25 (i) applies. No candidate for state office at a special election, other than a candidate

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1 for the office of state senator or representative to the assembly, who files a sworn
2 statement and application to receive a grant from the Wisconsin election campaign
3 fund may make or authorize total disbursements from the campaign treasury in any
4 campaign to the extent of more than the amount prescribed under sub. (1) for the
5 preceding spring or general election for the same office, unless the board determines
6 that the candidate is not eligible to receive a grant, the candidate withdraws his or
7 her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies.

8 **SECTION 7.** 11.31 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is
9 repealed and recreated to read:

10 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
11 election, other than a candidate for the office of state senator or representative to the
12 assembly, who files an application to receive a grant from the Wisconsin election
13 campaign fund and an affidavit under sub. (2m) (a) may make or authorize total
14 disbursements from his or her campaign treasury in any campaign to the extent of
15 more than the amount prescribed in sub. (1), adjusted as provided under sub. (9),
16 unless the board determines that the candidate is not eligible to receive a grant, the
17 candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) or
18 sub. (3p) applies to that candidate. No candidate for state office at a special election,
19 other than a candidate for the office of state senator or representative to the
20 assembly, who files an application to receive a grant from the Wisconsin election
21 campaign fund and an affidavit under sub. (2m) (a) may make or authorize total
22 disbursements from his or her campaign treasury in any campaign to the extent of
23 more than the amount prescribed under sub. (1), adjusted as provided under sub. (9),
24 for the preceding spring or general election for the same office, unless the board
25 determines that the candidate is not eligible to receive a grant, the candidate

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1 withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) or sub. (3p)
2 applies to that candidate.

3 **SECTION 8.** 11.31 (2) (b) of the statutes is created to read:

4 11.31 (2) (b) No candidate for the office of state senator or representative to the
5 assembly who does not accept a grant from the Wisconsin election campaign fund
6 may make or authorize total disbursements from his or campaign treasury in any
7 campaign to the extent of more than the following applicable amount:

- 8 1. Candidates for state senator, \$100,000.
- 9 2. Candidates for representative to the assembly, \$50,000.

10 **SECTION 9.** 11.31 (3m) of the statutes is repealed.

11 **SECTION 10.** 11.31 (4) of the statutes is amended to read:

12 11.31 (4) ALLOCATION. ~~Except as provided in sub. (3m), whenever~~ Whenever a
13 separate disbursement level is specified for a primary and election under sub. (1), a
14 candidate who disburses less than the authorized level in the primary may not
15 reallocate the balance to increase the level in the election. Whenever a separate
16 disbursement level is not specified for a primary and election under sub. (1), a
17 candidate may allocate disbursements between the primary and election campaign
18 within the total level of disbursements specified in sub. (1) in any proportion desired,
19 and may carry over unexpended contributions from a primary campaign to an
20 election campaign.

21 **SECTION 11. Nonstatutory provisions.**

22 (1) Notwithstanding section 990.001 (1) of the statutes, if a court finds that all
23 or any portion of section 11.26 (10) or 11.31 (2) of the statutes, as repealed and
24 recreated by this act, or any part of the laws specified in 2001 Wisconsin Act 109,

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1 section 9115 (2y), is unconstitutional, then the repeal and recreation of sections 11.26
2 (10) and 11.31 (2) of the statutes by this act is void in its entirety.

3 (END)