



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 913**

April 8, 2010 – Offered by COMMITTEE ON ELECTIONS AND CAMPAIGN REFORM.

1 **AN ACT** *to repeal* 11.522 (2); *to renumber* 11.522 (1); *to amend* 11.26 (9) (a) and
2 (b), 11.501 (7), (13) and (15), 11.509, 11.511 (1) and 11.522 (title); *to create*
3 11.511 (7) of the statutes; and *to affect* 2009 Wisconsin Act 89, section 31 (1);
4 **relating to:** public financing of campaigns for the office of justice of the
5 supreme court.

Analysis by the Legislative Reference Bureau

This substitute amendment makes changes to 2009 Wisconsin Act 89, which established a system of public funding to finance the campaigns of eligible candidates for the office of justice of the supreme court. The substitute amendment advances the effective date from December 1, 2010, to May 1, 2010, and begins the exploratory period in 2010, during which candidates may raise seed money contributions of not more than \$100 from electors of this state, on May 1, 2010, instead of on the date of the spring election (April 6, 2010). The substitute amendment also transfers the unencumbered balance in the justice account of the Wisconsin election campaign fund, from which public grants were formerly provided to finance the campaigns of eligible candidates for the office of justice, to the democracy trust fund, from which public grants are currently provided for that purpose. The substitute amendment eliminates a requirement for a candidate for the office of justice who does not accept a public grant to disclose with each of his or

her communications that the communication is paid for with money raised from private sources and the candidate has not agreed to abide by contribution and spending limits. The substitute amendment eliminates a requirement that if an eligible candidate accepts seed money contributions or qualifying contributions (which the candidate must raise in order to qualify for a public grant), the excess must be deducted from the candidate's public grant but retains a requirement that the candidate must transfer the excess amount to the state for deposit in the democracy trust fund. In addition, the substitute amendment imposes a limit on disbursements (expenditures) by a candidate for the office of justice who accepts a public grant. The limit is the same as the limit that is effectively permitted under Act 89 by adding together maximum amounts of disbursements permitted from various sources. This limit is used under current law to compute certain aggregate contribution limits. The contribution limits do not apply to candidates who accept public grants. The substitute amendment also makes other minor changes in Act 89.

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

1 **SECTION 1.** 11.26 (9) (a) and (b) of the statutes, as affected by 2009 Wisconsin
2 Act 89, are amended to read:

3 11.26 **(9)** (a) Except as provided in par. (ba), no individual who is a candidate
4 for state or local office may receive and accept more than 65 percent of the value of
5 the total disbursement level determined under s. 11.31 or 11.511 (7) (a) for the office
6 for which he or she is a candidate during any primary and election campaign
7 combined from all committees subject to a filing requirement, including political
8 party and legislative campaign committees.

9 (b) Except as provided in par. (ba), no individual who is a candidate for state
10 or local office may receive and accept more than 45 percent of the value of the total
11 disbursement level determined under s. 11.31 or 11.511 (7) (a) for the office for which
12 he or she is a candidate during any primary and election campaign combined from
13 all committees other than political party and legislative campaign committees
14 subject to a filing requirement.

1 **SECTION 2.** 11.501 (7), (13) and (15) of the statutes, as created by 2009
2 Wisconsin Act 89, are amended to read:

3 11.501 (7) “Exploratory period” means the period that begins after the date of
4 a spring election immediately preceding a public financing qualifying period and
5 ends on the first day of the public financing qualifying period for the next election
6 for justice.

7 (13) “Primary election campaign period” means the period beginning on the
8 day after the last day prescribed by law for filing nomination papers for ~~that~~ the office
9 of justice and ending on the day of the spring primary election for that office or the
10 day on which the primary election would be held, if required.

11 (15) “Public financing qualifying period” means, for each election for the office
12 of justice, the period beginning on the first day of July of ~~any~~ the year immediately
13 preceding the year of that election and ending on the day before the beginning of the
14 primary election campaign period for that office.

15 **SECTION 3.** 11.509 of the statutes, as created by 2009 Wisconsin Act 89, is
16 amended to read:

17 **11.509 Excess contributions.** If an eligible candidate receives and accepts
18 excess seed money contributions or qualifying contributions ~~on~~ in an aggregate
19 ~~basis, the candidate may retain the contributions and make disbursements derived~~
20 ~~from the contributions, in an amount not exceeding \$15,000. An amount equivalent~~
21 ~~to the excess contributions shall be deducted by the board from the candidate’s public~~
22 ~~financing benefit. An eligible candidate~~ amount greater than the limits prescribed
23 in s. 11.502 (2) or 11.508 (1), the candidate shall transfer to the board all seed money
24 and qualifying contributions that exceed the limits prescribed in this section within
25 48 hours after the end of the ~~exploratory~~ public financing qualifying period. The

1 board shall deposit all contributions transferred under this section in the democracy
2 trust fund.

3 **SECTION 4.** 11.511 (1) of the statutes, as created by 2009 Wisconsin Act 89, is
4 amended to read:

5 11.511 (1) The state treasurer shall provide to each eligible candidate who
6 qualifies to receive a public financing benefit for the primary or election campaign
7 period separate lines of credit for the public financing benefits payable to the
8 candidate for the primary and election campaign periods in the amounts specified
9 in this section, subject to any required adjustment under s. ~~11.509~~, 11.512 (2) or
10 11.513 (2). An eligible candidate may use this public financing benefit to finance any
11 lawful disbursements during the primary and election campaign periods to further
12 the election of the candidate in that primary or election. An eligible candidate shall
13 not use this public financing benefit to repay any loan, or in violation of ss. 11.502
14 to 11.522 or any other applicable law.

15 **SECTION 5.** 11.511 (7) of the statutes is created to read:

16 11.511 (7) (a) Except as provided in par. (b), no candidate for the office of justice
17 who files an application for a public financing benefit and certification under s. 11.51
18 (1) and who accepts a public financing benefit may make or authorize total
19 disbursements in a campaign, beginning with the first day of the exploratory period
20 and ending on the date of the spring election, to the extent of more than the maximum
21 amounts specified in ss. 11.502 (2) and 11.508 (1), plus the amount specified in s.
22 11.511 (3), as adjusted under s. 11.511 (6), and, if there is a primary for the office of
23 justice, the amount specified in s. 11.511 (2), as adjusted under s. 11.511 (6).

24 (b) If a candidate specified in par. (a) receives an additional public financing
25 benefit under s. 11.512 (2) or 11.513 (2), the candidate may make disbursements in

1 a campaign under par. (a) in an additional amount equivalent to the additional public
2 financing benefit received.

3 **SECTION 6.** 11.522 (title) of the statutes, as created by 2009 Wisconsin Act 89,
4 is amended to read:

5 **11.522** (title) **Contributions to nonparticipating candidates;**
6 **attributions.**

7 **SECTION 7.** 11.522 (1) of the statutes, as created by 2009 Wisconsin Act 89, is
8 renumbered 11.522.

9 **SECTION 8.** 11.522 (2) of the statutes, as created by 2009 Wisconsin Act 89, is
10 repealed.

11 **SECTION 9.** 2009 Wisconsin Act 89, section 31 (1) is amended to read:

12 [2009 Wisconsin Act 89] Section 31 (1) This act takes effect on ~~December~~ May
13 1 following the date of publication.

14 **SECTION 10. Nonstatutory provisions.**

15 (1) On the effective date of this subsection, the unencumbered balance in the
16 justice account of the Wisconsin election campaign fund is transferred to the
17 democracy trust fund.

18 (2) Notwithstanding section 11.501 (7) of the statutes, as created by 2009
19 Wisconsin Act 89, the exploratory period in 2010 begins on May 1, 2010.

20 **SECTION 11. Effective date.**

21 (1) This act takes effect on May 1, 2010.

22 (END)