

2005 ASSEMBLY BILL 452

June 1, 2005 – Introduced by Representatives TRAVIS, KREUSER, TURNER, BLACK, LEHMAN and BERCEAU, cosponsored by Senator ERPENBACH. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to amend* 11.05 (3) (p), 11.05 (7) and 11.25 (2) (b); *to repeal and recreate*
2 11.05 (3) (m) and 11.24 (4); and *to create* 11.25 (4) and 11.60 (3p) of the statutes;
3 **relating to:** acceptance of certain political contributions by certain elective
4 state officials and committees.

Analysis by the Legislative Reference Bureau

This 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 last day of the final general business floorperiod of the legislative session in the following year. 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.

Currently, a state or local elective official is generally permitted to use campaign funds raised while he or she holds one office to promote his or her candidacy for another state or local office, or for a national office to the extent permitted by federal law. Currently, subject to certain limitations, an individual who

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holds a national office may be permitted to use campaign funds raised while he or she holds that office to promote his or her candidacy for a state or local office.

This bill prohibits any state or local elective official, any personal campaign committee of such an official, and any authorized support committee of such an official from making any disbursement (expenditure) for the purpose of promoting the official's candidacy for another state or local office or for a national office prior to the time that the official or committee files or amends a registration statement with the appropriate filing officer or agency indicating that the official or committee is promoting the candidacy of the official for a new office. The bill similarly prohibits any individual who holds a national office, any personal campaign committee of such an individual, or any authorized support committee of such an individual from making a disbursement for the purpose of promoting the official's candidacy for a state or local office from funds or property acquired prior to the time that the official or committee files or amends a registration statement with the appropriate filing officer or agency indicating that the official or committee is promoting the candidacy of the official for a new office.

Violators of the prohibition are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators are subject to a fine of not more than \$10,000 or imprisonment for not more than three years and six months, or both, if the violation concerns an amount that exceeds \$100, or are subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both, if the violation concerns an amount that does not exceed \$100.

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 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:

1 **SECTION 1.** 11.05 (3) (m) of the statutes, as created by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.05 (3) (m) In the case of a personal campaign committee, the name of the
4 candidate on whose behalf the committee was formed or intends to operate and the
5 office or offices that the candidate seeks.

6 **SECTION 2.** 11.05 (3) (p) of the statutes is amended to read:

7 11.05 (3) (p) In the case of a support committee, the name of the individual on
8 whose behalf the committee was formed or intends to operate and the office that the

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1 candidate seeks, and, unless the committee files a statement under s. 11.06 (7), a
2 statement signed by the ~~that~~ individual ~~on whose behalf the committee intends to~~
3 operate affirming that the committee is the only committee authorized to operate on
4 his or her behalf, ~~unless the committee files a statement under s. 11.06 (7).~~

5 **SECTION 3.** 11.05 (7) of the statutes is amended to read:

6 11.05 (7) CHANGE IN STATUS OF NEW REGISTRANT. Notwithstanding sub. (6) and
7 except as provided in s. 11.25 (4), any individual or organization who or which has
8 received property or funds which were not intended for political purposes in
9 connection with an election for state or local office at the time of receipt may make
10 contributions or disbursements from such property or funds in connection with an
11 election for state or local office if the individual or organization complies with
12 applicable provisions of sub. (1), (2) or (2g) as soon as such intent changes. For
13 purposes of s. 11.06 (1), all property or funds which are in a registrant's possession
14 on the date of registration under this section shall be treated as received on the date
15 that such intent changes so that the property or funds are to be used for political
16 purposes in connection with an election for state or local office.

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

19 11.24 (4) (a) In this subsection, "floorperiod" means a floorperiod of the
20 legislature, as scheduled by joint resolution, for a regular legislative session.

21 (b) No incumbent partisan state elective official or personal campaign
22 committee or support committee authorized under s. 11.05 (3) (p) of such an official
23 may accept any contribution for the purpose of promoting that official's nomination
24 or reelection to the office held by the official during the period beginning on the first

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1 Monday of January in each odd-numbered year and ending on the last day of the
2 final general business floorperiod of the legislative session in the following year.

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

9 **SECTION 5.** 11.25 (2) (b) of the statutes is amended to read:

10 11.25 **(2)** (b) Notwithstanding par. (a), a registrant may accept contributions
11 and make disbursements from a campaign depository account for the purpose of
12 ~~making expenditures in connection with a campaign for national office; for payment~~
13 ~~of civil penalties incurred by the registrant under this chapter but not under any~~
14 ~~other chapter; or for payment of the expenses of nonpartisan campaigns to increase~~
15 voter registration or participation. Notwithstanding par. (a), a personal campaign
16 committee or support committee may accept contributions and make disbursements
17 from a campaign depository account for payment of inaugural expenses of an
18 individual who is elected to state or local office. If such expenses are paid from
19 contributions made to the campaign depository account, they are reportable under
20 s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s.
21 11.06 (1). If contributions from the campaign depository account are used for such
22 expenses, they are subject to s. 11.26.

23 **SECTION 6.** 11.25 (4) of the statutes is created to read:

24 11.25 **(4)** (a) No individual who holds a state or local office, no personal
25 campaign committee of such an individual, and no support committee of such an

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1 individual authorized under s. 11.05 (3) (p) may make any disbursement for the
2 purpose of promoting the candidacy of that individual for a state or local office other
3 than the office held by the individual or for a national office from funds or property
4 acquired prior to the date on which the individual or committee files a registration
5 statement under s. 11.05 (2g) indicating the office that the individual seeks or
6 amends an existing registration statement under s. 11.05 (3) (m) or (p) to indicate the
7 office that the individual seeks.

8 (b) No individual who holds a national office, no personal campaign committee
9 of such an individual, and no support committee of such an individual authorized
10 under s. 11.05 (3) (p) may make any disbursement for the purpose of promoting the
11 candidacy of that individual for a state or local office from funds or property acquired
12 prior to the date on which the individual or committee files a registration statement
13 under s. 11.05 (2g) indicating the office that the individual seeks or amends an
14 existing registration statement under s. 11.05 (3) (m) or (p) to indicate the office that
15 the individual seeks.

16 **SECTION 7.** 11.60 (3p) of the statutes is created to read:

17 11.60 **(3p)** Notwithstanding sub. (1), any elective state official or personal
18 campaign or authorized support committee of such an official who accepts a
19 contribution in violation of s. 11.24 (4) shall forfeit treble the amount of the
20 contribution.

21 (END)