

2009 SENATE BILL 23

February 2, 2009 – Introduced by Senators HARSDORF, OLSEN, COWLES and SCHULTZ, cosponsored by Representatives GOTTLIEB, KAUFERT, BALLWEG, BIES, BROOKS, CULLEN, DAVIS, GUNDERSON, LOTHIAN, MEYER, MURSAU, MURTHA, NASS, NYGREN, A. OTT, PETROWSKI, ROTH, STRACHOTA and VAN ROY. Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT** *to create* 11.24 (4) and 11.60 (3p) of the statutes; **relating to:** acceptance
2 of certain political contributions by certain elective state officials and
3 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 January 1 of each odd-numbered year to the date of enactment of the biennial budget act or, if there is more than one such act, the biennial budget acts. 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

SENATE BILL 23

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.** 11.24 (4) of the statutes is created to read:

2 11.24 (4) (a) No incumbent partisan state elective official or personal campaign
3 committee or support committee authorized under s. 11.05 (3) (p) of such an official
4 may accept any contribution for the purpose of promoting that official's nomination
5 or reelection to the office held by the official during the period beginning on January
6 1 of an odd-numbered year and ending on the date of enactment of the biennial
7 budget act.

8 (b) If in any year there is more than one executive budget bill under s. 16.47
9 (1m), the period under par. (a) ends on the date of enactment of the last such bill.

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

16 **SECTION 2.** 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.

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(END)