



2009 SENATE BILL 658

March 31, 2010 - Introduced by Senators KREITLOW and TAYLOR, cosponsored by Representative HINTZ. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

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

Analysis by the Legislative Reference Bureau

This bill 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 bill 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 bill 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 bill 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 bill 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

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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 bill 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.

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

17 11.501 (7) “Exploratory period” means the period that begins after the date of
18 a spring election immediately preceding a public financing qualifying period and

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1 ends on the first day of the public financing qualifying period for the next election
2 for justice.

3 (13) "Primary election campaign period" means the period beginning on the
4 day after the last day prescribed by law for filing nomination papers for ~~that~~ the office
5 of justice and ending on the day of the spring primary election for that office or the
6 day on which the primary election would be held, if required.

7 (15) "Public financing qualifying period" means, for each election for the office
8 of justice, the period beginning on the first day of July of any the year immediately
9 preceding the year of that election and ending on the day before the beginning of the
10 primary election campaign period for that office.

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

13 **11.509 Excess contributions.** If an eligible candidate receives and accepts
14 excess seed money contributions or qualifying contributions ~~on~~ in an aggregate
15 basis, ~~the candidate may retain the contributions and make disbursements derived~~
16 ~~from the contributions, in an amount not exceeding \$15,000. An amount equivalent~~
17 ~~to the excess contributions shall be deducted by the board from the candidate's public~~
18 ~~financing benefit. An eligible candidate~~ amount greater than the limits prescribed
19 in s. 11.502 (2) or 11.508 (1), the candidate shall transfer to the board all seed money
20 and qualifying contributions that exceed the limits prescribed in this section within
21 48 hours after the end of the ~~exploratory~~ public financing qualifying period. The
22 board shall deposit all contributions transferred under this section in the democracy
23 trust fund.

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

SENATE BILL 658**SECTION 4**

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

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

12 11.511 (7) (a) Except as provided in par. (b), no candidate for the office of justice
13 who files an application for a public financing benefit and certification under s. 11.51
14 (1) and who accepts a public financing benefit may make or authorize total
15 disbursements in a campaign, beginning with the first day of the exploratory period
16 and ending on the date of the spring election, to the extent of more than the maximum
17 amounts specified in ss. 11.502 (2) and 11.508 (1), plus the amount specified in s.
18 11.511 (3), as adjusted under s. 11.511 (6), and, if there is a primary for the office of
19 justice, the amount specified in s. 11.511 (2), as adjusted under s. 11.511 (6).

20 (b) If a candidate specified in par. (a) receives an additional public financing
21 benefit under s. 11.512 (2) or 11.513 (2), the candidate may make disbursements in
22 a campaign under par. (a) in an additional amount equivalent to the additional public
23 financing benefit received.

24 **SECTION 6.** 2009 Wisconsin Act 89, section 31 (1) is amended to read:

