



2009 ASSEMBLY BILL 42

February 17, 2009 – Introduced by Representatives GOTTLIEB, KAUFERT, BALLWEG, BIES, BROOKS, CULLEN, DAVIS, GUNDERSON, LOTHIAN, MEYER, MURSAU, MURTHA, NASS, NYGREN, A. OTT, PETROWSKI, ROTH, STRACHOTA, VAN ROY and RIPP, cosponsored by Senators HARSDORF, OLSEN, COWLES and SCHULTZ. Referred to Committee on Elections and Campaign Reform.

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, officials elect,
3 and committees and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits any incumbent partisan elective state official, including the governor and lieutenant governor, 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 an odd-numbered year through the date of enactment of the biennial budget act. The bill also prohibits an incumbent governor or lieutenant governor, or an individual who has been elected to either of those offices but who has not taken office, 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 that the individual holds or to which the individual has been elected during the period from the day after the date of the general election through the succeeding first Monday in January. 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. In addition, the bill prohibits a legislative campaign committee from accepting any political contribution during the period from January 1 of an odd-numbered year through the date of enactment of the biennial budget act.

ASSEMBLY BILL 42

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

8 (b) No individual who is serving as governor or lieutenant governor, no
9 individual who has been elected to the office of governor or lieutenant governor but
10 has not yet taken office, and no personal campaign committee or support committee
11 authorized under s. 11.05 (3) (p) of any such individual may accept any contribution
12 for the purpose of promoting that individual's nomination to or reelection to the office
13 that the individual holds or to which the individual has been elected beginning on
14 the day after the date of the general election and ending on the succeeding first
15 Monday in January. For purposes of this paragraph, the legal counsel to the board
16 shall determine, on the basis of media reports, if it is generally acknowledged that
17 an individual has been elected to the office of governor or lieutenant governor, and
18 shall inform in writing any individual whom the legal counsel determines to have

ASSEMBLY BILL 42

1 been so elected as soon as the legal counsel makes such a determination. In making
2 his or her determination, the legal counsel is bound by the certification of the
3 chairperson of the board or his or her designee if the certification has been issued.

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

10 (d) No legislative campaign committee may accept any contribution during the
11 period beginning on January 1 of an odd-numbered year and ending on the date of
12 enactment of the biennial budget act.

13 (e) If in any year there is more than one executive budget bill under s. 16.47
14 (1m), the period under pars. (a) and (d) ends on the date of enactment of the last such
15 bill.

16 **SECTION 2.** 11.60 (3p) of the statutes is created to read:

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

22 (END)