



2011 BILL

1 **AN ACT** *to repeal* 11.26 (13m) (b); *to consolidate, renumber and amend* 11.26
2 (13m) (intro.) and (a); *to amend* 11.01 (16) (intro.); and *to create* 11.26 (17)
3 (dm) of the statutes; **relating to:** treatment of contributions used to finance
4 recall petition drives.

Analysis by the Legislative Reference Bureau

Currently, contributions used for the purpose of payment of expenses incurred in connection with the circulation, offer to file, or filing of a petition to recall an officeholder prior to the time that a recall primary or election is ordered, or after that time if incurred in contesting or defending the order, are generally subject to reporting but are not subject to contribution limitations under the campaign finance law. Contributions used for the purpose of payment of expenses incurred in supporting or opposing an officeholder against whom a recall petition has been filed are subject to the limitations.

This bill treats gifts, receipts, and transfers, including certain in-kind transactions, made for the purpose of payment of expenses in connection with the circulation, offer to file, or filing of a petition to recall an officeholder prior to the time that a recall primary or election is ordered, or in contesting or defending such an order, as contributions to any candidate who is supported or whose opponent is opposed for purposes of contribution limitations in the same manner as other contributions to such a candidate. Under the bill, the contributions become subject to the limitations on the day that any person registers his or her intent to circulate a recall petition. If a recall election is ordered, contributions made before and after

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the filing of the recall petition are aggregated for purposes of the contribution limitations. The bill also specifically provides that actions taken for the purpose of contesting or defending a recall election order are reportable transactions under the campaign finance law to the same extent as other actions taken for the purpose of influencing the recall or retention of an officeholder.

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

1 **SECTION 1.** 11.01 (16) (intro.) of the statutes is amended to read:

2 11.01 **(16)** (intro.) An act is for “political purposes” when it is done for the
3 purpose of influencing the election or nomination for election of any individual to
4 state or local office; for the purpose of influencing the recall from or retention in office
5 of an individual holding a state or local office, whether before or after the time that
6 a recall election is ordered, or for the purpose of contesting or defending a recall
7 election order; for the purpose of payment of expenses incurred as a result of a
8 recount at an election; or for the purpose of influencing a particular vote at a
9 referendum. In the case of a candidate, or a committee or group which is organized
10 primarily for the purpose of influencing the election or nomination for election of any
11 individual to state or local office, for the purpose of influencing the recall from or
12 retention in office of an individual holding a state or local office, or for the purpose
13 of influencing a particular vote at a referendum, all administrative and overhead
14 expenses for the maintenance of an office or staff which are used principally for any
15 such purpose are deemed to be for a political purpose.

16 **SECTION 2.** 11.26 (13m) (intro.) and (a) of the statutes are consolidated,
17 renumbered 11.26 (13m) and amended to read:

18 11.26 **(13m)** Contributions utilized for the ~~following purposes are not subject~~
19 ~~to limitation by this section:~~ (a) ~~For the purpose of payment of legal fees and other~~

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1 expenses incurred as a result of a recount at an election are not subject to limitation
2 by this section.

3 **SECTION 3.** 11.26 (13m) (b) of the statutes is repealed.

4 **SECTION 4.** 11.26 (17) (dm) of the statutes is created to read:

5 11.26 **(17)** (dm) In the case of an officer against whom a recall petition is
6 circulated or a candidate whose candidacy is advocated to replace such an officer, the
7 “campaign” of the candidate begins on the day that any person registers his or her
8 intent to circulate a recall petition under s. 9.10 (2) (d) and ends on the date specified
9 for a special election under par. (d), or if no recall election is ordered, on the date on
10 which the officeholder or candidate receives sufficient contributions to retire any
11 obligations incurred in connection with the circulation of the petition.

12 (END)