

2014-GAB-02

CAMPAIGN FINANCE – ANNUAL LIMIT

Facts

You have asked whether the \$10,000 aggregate limit on an individual's annual contributions to state and local candidates and other committees under Wis. Stat. § 11.26(4) applies to a candidate campaign committee that has been self-funded by an individual candidate in an amount that exceeds \$10,000.

Analysis

You have analyzed the relevant case law and statutes governing contribution limits in Wisconsin:

Under Wis. Stat. § 11.26(5), an individual who is a candidate may deposit an unlimited amount of money in his or her own state or local campaign committee. This is consistent with the U.S. Supreme Court's rejection of the idea in *Buckley v. Valeo* that a individual candidate's contribution of personal funds to his or her own campaign committee could be limited.

Wisconsin law does not subject candidate campaign committees to an overall aggregate limit on the amount that they may contribute to other committees, either annual or otherwise. However, the candidate campaign committee must comply with statutory limits on contributions to other committees, such as the \$500 contribution limit to a state Assembly candidate and the \$1,000 contribution limit to a state Senate candidate in Wis. Stat. § 11.26(2). Similarly, a candidate committee receiving the contribution must abide by cumulative contribution limits that establish the maximum amount it can receive from committees under Wis. Stat. §§ 11.26(9) and 11.31(1).

Wis. Stat. § 11.26(4) establishes a \$10,000 annual aggregate contribution limit for individual donors to state and local candidates and committees. But neither Wisconsin statutes nor administrative rules extend this contribution limit to a candidate campaign committee that has been self-funded by an individual in an amount exceeding \$10,000 by the candidate.

Based on the foregoing, it would appear that Wisconsin statutes allow unlimited aggregate contributions by a candidate campaign committee to state and local candidates, political party committees and PAC's, regardless of whether, and in what amount, the candidate campaign committee has been self-funded by one individual. Of course, as noted, limits on contributions to each committee continue to apply.

Conclusion

The Government Accountability Board agrees that contributions from a candidate's own personal campaign committee do not count toward that same candidate's annual aggregate limit. The statutory language is clear that the annual aggregate limit applies only to individuals. Wis. Stat. § 11.26 (4). This is so even if a candidate has made personal contributions in excess of \$10,000 in any given calendar year to the candidate's own personal campaign committee.

Wisconsin Government Accountability Board