

# Government Accountability Board

## State of Wisconsin

212 E. Washington Ave., Third Floor • Madison, WI 53703 • [gab@wi.gov](mailto:gab@wi.gov) • (608) 266-8005 • Help Desk (608) 261-2028 • <http://gab.wi.gov>

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FOR MORE INFORMATION, CONTACT:  
Reid Magney, 608-267-7887

## G.A.B. Will Not Enforce Aggregate Campaign Donation Limit

MADISON, WI – Kevin J. Kennedy, director and general counsel of the Government Accountability Board, issued the following statement following an order today in federal court in Milwaukee in the case *Young v. Vocke*:

“This order definitively states what we have anticipated since the U.S. Supreme Court’s *McCutcheon* decision – Wisconsin’s \$10,000 annual aggregate limit on individual campaign contributions is unconstitutional. The Government Accountability Board will no longer enforce the aggregate annual limit on how much money an individual may give to all candidates and political committees. Statutory limits on contributions to individual candidate campaigns are still in place, but there are no longer any limits on how much an individual may give to political action committees and political parties.”

### Background

In 2013, Fred R. Young Jr. filed suit in U.S. District Court for the Eastern District of Wisconsin against Judge Timothy Vocke and other members of the G.A.B. Mr. Young alleged that the state’s \$10,000 aggregate annual limit on campaign donations by an individual in Wis. Stat. §11.26(4) was a violation of his free speech rights. Judge Lynn Adelman put the case on hold, while a similar case involving federal aggregate limits was before the U.S. Supreme Court.

In April, the Supreme Court issued its decision in the *McCutcheon* case, invalidating the federal aggregate limit on campaign donations. In the wake of that decision, the G.A.B. and its attorneys at the Wisconsin Department of Justice have been in settlement discussions with the plaintiff’s attorney. On May 8, 2014, a proposed stipulation and order were filed with the court, which was signed on May 22, 2014.

### Common Questions and Answers

Q: What are aggregate limits?

A: An aggregate limit is a limit on the overall amount of money a person could give to all local and state candidates, political action committees and political parties in a calendar year. State law had set that limit at \$10,000.

Q: How much money can a person now give to a candidate?

A: The total amount a person may give to an individual candidate has not changed and varies by the public office sought. These limits are called “individual” limits. A person may now make individual contributions to an unlimited number of candidate campaign committees, so long as the contribution to each separate candidate does not exceed the individual limit for the office sought.

Q: What are the “individual” limits in Wisconsin?

A: These limits vary by office sought. For example, the limit for an individual contribution to an Assembly candidate campaign committee is \$500 per election cycle and to a Senate candidate campaign committee \$1,000, while the limit for an individual contribution to a candidate’s campaign committee for Governor is \$10,000 per election cycle. An election cycle is the length of the officeholder’s term (two years for a member of the Assembly, four years for a Senator and the Governor, etc.) A complete list of the limits is attached.

Q: Why are donations to political action committees (PACs) and political parties now unlimited?

A: Wisconsin statutes do not specifically limit the amount of money a person can give to an individual PAC or political party. The \$10,000 aggregate limit had served as the upper limit on PAC and political party contributions for each calendar year. With the aggregate limit declared unconstitutional, there are no limits on the amount of money a person can give to a PAC or political party remaining in statutes.

Q: Will the G.A.B. be enforcing the \$10,000 aggregate limit on contributions made in 2013?

A: No. The G.A.B. will not be conducting its annual audit for violations of the aggregate limit in 2013. There were no outstanding cases still pending from the 2012 aggregate limit audit.

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The Government Accountability Board is responsible for administration and enforcement of campaign finance, elections, ethics and lobbying laws in Wisconsin. The board is made up of six non-partisan, former judges and is supported by an agency of non-partisan staff members. Additional information about the mission of the Government Accountability Board is available by telephone at **608-266-8005**, by electronic mail at **[gab@wi.gov](mailto:gab@wi.gov)**, or through the Internet at **<http://gab.wi.gov>**.