



ORDER OF THE  
STATE ELECTIONS BOARD  
ADOPTING RULES

Pursuant to the authority vested in the State Elections Board by section 227.014, Wis. Stats., the State Elections Board hereby adopts rules as follows:

Sections ElBd. 1.33, 1.37, 1.39 and 1.40 of the Wisconsin Administrative Code are adopted to read:

El.Bd. 1.33 Retirement of campaign debts incurred to business creditors. (1) Definition. As used in this section "an obligation incurred by a registrant to a business creditor" means an obligation incurred by the registrant for goods or services.

(2) An obligation incurred by a registrant to a business creditor will be treated as a contribution of the creditor if any part of the obligation is outstanding for a period longer than that consistent with normal business or trade practice, or if the obligation is settled for less than the outstanding debt, unless a showing is made to the registrant's filing officer that the creditor has treated the obligation in a commercially reasonable manner. Such a showing must include at least the following:

(a) The initial extension of credit on which the the obligation was incurred was made in the ordinary course of business with terms substantially similar to those granted to non-political debtors of similar credit risk; and

(b) The creditor has made all reasonable efforts to retire the debt, including pursuit of all remedies which would normally be employed by the creditor in pursuit of a non-political debtor. "Reasonable efforts to retire the debt" include lawsuits, if filed in similar circumstances.

El.Bd. 1.37 Primary and election reporting requirements. (1) Candidate-related contributions and expenditures.

(a) All candidates at a primary shall file pre and post primary reports. All candidates at an election shall file pre and post election reports. All political party committees shall file pre and post primary reports and pre and post election reports for primaries and elections taking place in September and November of even-numbered years. All registrants shall file pre and post primary reports in the event that any contributions or expenditures are made, or obligations are incurred, in support of a candidate at the primary. All registrants shall file pre and post election reports in the event that any contributions, expenditures, or obligations are made or incurred in support of a candidate at the election.

(b) A contribution, expenditure or obligation in support of a candidate during a pre or post primary reporting period will be considered to have been made or incurred in support of the candidate at the primary, regardless of whether the candidate is opposed at the primary.

A contribution, expenditure or obligation in support of a candidate during a pre or post election period will be considered to have been made or incurred in support of a candidate at the election, regardless of whether the candidate is opposed at the election.

(c) A registrant who or which makes or incurs a contribution, expenditure or obligation in support of a candidate during a pre primary period must file pre and post primary reports, regardless of whether the registrant makes or incurs any contribution, expenditure or obligation during the post primary period. A registrant who or which makes a contribution or expenditure in support of a candidate during a pre election reporting period must file pre and post election reports, regardless of whether the registrant makes or incurs any contribution, expenditure or obligation during the post election period.

(d) Notwithstanding (a), a registrant who or which makes or incurs a contribution, expenditure or obligation in support of a candidate during a post primary period, but has made or incurred no contribution, expenditure or obligation during the pre primary period, is not required to file a pre primary report. A registrant who or which makes or incurs a contribution, expenditure or obligation in support of a candidate during a post election period, but has made or incurred no contribution, expenditure or obligation during the pre election period, is not required to file a pre election report.

(e) Notwithstanding (a), pursuant to Wis. Adm. Code El.Bd. 1.12, a registrant who is not a candidate at a special election or special election primary need not file primary or election reports for the special election or special election primary if the registrant's only activity is a contribution to a political group, political party committee, or a political committee.

(2) Referendum-related contributions and expenditures. All registrants who or which make or incur contributions, expenditures or obligations in support of or opposition to a referendum at an election shall file pre and post election reports.

El.Bd. 1.39 Conversion of federal campaign committee to state committee. (1) Definitions. As used in this rule,

(a) "federal campaign committee" means the campaign committee of a candidate for federal office, which is not registered with a state or local filing officer, and

(b) "state campaign committee" means the personal campaign committee of a candidate for state or local office.

(2) A federal campaign committee may convert to a state campaign committee and use funds collected for federal purposes in a state or local campaign by filing a campaign finance registration statement, pursuant to sec. 11.05, Stats., with the appropriate filing officer and simultaneously filing a campaign finance disclosure report showing the sources of all funds on hand at the time of the report, pursuant to the requirements of secs. 11.06 (1)

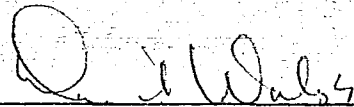
(a), (b), (c), (d) and (f), Stats. In determining the sources of funds on hand and allocating those funds among the sources, the funds shall be treated on a last-in, last-out basis, so that they will be attributed in the report to the most recent sources, in the full amount received from each source.

El.Bd. 1.40 Timely registration requirements. Pursuant to sec. 11.05 (6), Stats., every person, committee or group must register with the appropriate filing officer within 5 days of the receipt of any contribution intended for state or local political purposes and before the making of any disbursement or contribution for such purposes. This rule should not be construed to require an individual who makes contributions from personal funds to register.

The rules contained herein shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register as prescribed in sec. 227.026 (1), Wis. Stats.

Dated: July 6, 1977

STATE ELECTIONS BOARD



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David Walsh  
Acting Chairman