

CHAPTER 11

CAMPAIGN FINANCING

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11.001 Declaration of policy. (1) The legislature finds and declares that our democratic system of government can be maintained only if the electorate is informed. It further finds that excessive spending on campaigns for public office jeopardizes the integrity of elections. It is desirable to encourage the broadest possible participation in financing campaigns by all citizens of the state, and to enable candidates to have an equal opportunity to present their programs to the voters. One of the most important sources of information to the voters is available through the campaign finance reporting system. Campaign reports provide information which aids the public in fully understanding the public positions taken by a candidate or political organization. When the true source of support or extent of support is not fully disclosed, or when a candidate becomes overly dependent upon large private contributors, the democratic process is subjected to a potential corrupting influence. The legislature therefore finds that the state has a compelling interest in designing a system for fully disclosing contributions and disbursements made on behalf of every candidate for public office, and in placing reasonable limitations on such activities. Such a system must make readily available to the voters complete information as to who is supporting or opposing which candidate or cause and to what extent, whether directly or indirectly. This chapter is intended to serve the public purpose of

stimulating vigorous campaigns on a fair and equal basis and to provide for a better informed electorate.

(2) This chapter shall be construed to impose the least possible restraint on persons or organizations whose activities do not directly affect the elective process, consistent with the right of the public to have a full, complete and readily understandable accounting of those activities intended to influence elections.

(3) This chapter is declared to be enacted pursuant to the power of the state to protect the integrity of the elective process and to assure the maintenance of free government.

History: 1973 c. 334.

11.01 Definitions. As used in this chapter:

(1) "Candidate" means every person for whom it is contemplated or desired that votes be cast at any election held within this state, whether or not such person is elected or nominated, other than a candidate for president and vice-president of the United States, and who either tacitly or expressly consents to be so considered. A person does not cease to be a candidate for purposes of compliance with this chapter or ch. 12 after the date of an election and no person is released from any requirement or liability otherwise imposed under this chapter or ch. 12 by virtue of the passing of the date of an election.

(2) "Charitable organization" means any humanitarian or philanthropic organization which is exempted from the federal income tax under s. 501 (a) of the federal internal revenue code and which does not conduct activities for political purposes.

(3) "Committee" or "political committee" means any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements for political purposes, whether or not engaged in activities which are exclusively political, except that a "committee" does not include a political "group" under this chapter.

(4) "Communications media" means newspapers, periodicals, and radio and television stations, including community antenna television stations.

(5) "Contribution" means:

(a) A gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or state bank made by the bank in accordance with applicable banking laws and regulations in the ordinary course of business), made for political purposes. In this paragraph "anything of value" means a thing of merchantable value.

(b) A transfer of personalty, including but not limited to campaign materials and supplies, valued at the replacement cost at the time of transfer.

(c) A contract, promise or agreement, if legally enforceable, to make a contribution for any such purpose under par. (a).

(d) A transfer of funds between candidates, committees, individuals or groups subject to a filing requirement under this chapter.

(e) The purchase of a ticket for a meal, rally or other fund-raising event for a purpose under par. (a), whether or not actually utilized.

(f) The distribution of any publication or advertising matter for any purpose under par. (a) other than by a registrant under s. 11.05, or as provided in s. 11.29.

(g) Notwithstanding the foregoing meanings of "contribution", the term does not include services for a political purpose by an individual on behalf of a registrant under s. 11.05 who is not compensated specifically for such services.

(6) "Disbursement" means:

(a) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or state bank made by the bank in accordance with applicable banking laws and regulations in the ordinary course of business), made for political purposes. In this paragraph, "anything of value" means a thing of merchantable value.

(b) A transfer of personalty, including but not limited to campaign materials and supplies,

valued at the replacement cost at the time of transfer.

(c) A contract, promise, or agreement, if legally enforceable, to make a disbursement for any purpose under par. (a).

(7) "Filing officer", when used with reference to a statewide referendum or to a candidate or individual or committee supporting or opposing a candidate for state or national office means the elections board, and when used with reference to a local referendum or to a candidate or individual or committee supporting or opposing a candidate for local office means the clerk of the jurisdiction in which the election is held.

(8) "Filing requirement" means the continuing duty to file reports of contributions, disbursements or incurred obligations with the appropriate filing officer.

(9) "Group" or "political group" means a combination of 2 or more persons which makes or accepts contributions or makes disbursements for the purpose of influencing the outcome of any referendum.

(10) An act is "in support of" or "in opposition to" a candidate when it is done with the primary purpose, or when it carries the substantial consequence, of influencing voting at an election for public office. Such an act does not include the making of a contribution or disbursement for the maintenance of permanent offices or the employment of continuing staff for a continuing political party or permanent committee.

(11) "Incurred obligation" means every express obligation to make any contribution or disbursement including all loans, indorsements, undertakings and guarantees of obligations or payments for any goods, or for any services which have been performed or are to be performed in the future, incurred by a candidate, committee, individual or group for political purposes.

(12) "Intentionally" has the meaning given under s. 939.23.

(13) "Local office" means any elective office other than president and vice-president of the United States, or a state or national office.

(14) "National office" means the offices of the U.S. senator and U.S. congressman.

(15) "Personal campaign committee" means a temporary committee formed for the exclusive purpose of electing or reelecting a candidate to office which is under the direct control of the candidate.

(16) An act is for "political purposes" when by its nature, intent or manner it directly or indirectly influences or tends to influence voting at any election. Such an act includes support or opposition to a person's present or future

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candidacy or to a present or future referendum. A "political purpose" does not include expenditures for defense attorney's fees and other legal fees, costs and expenses, or payments supporting any person subject to criminal prosecution for violation of state or federal law, or for any agent or dependent of such a person.

(17) "Printer" means any person who accepts work for printing, imprinting, lithographing, photolithographing, rotogravure, gravure, letterpress, mimeographing, stenciling, photostating, multilithing, multigraphing, steel die engraving, silkscreening or by any other means reproducing or manufacturing political advertisements or campaign devices of any kind, including but not limited to campaign literature, billboard advertising, special clothing, buttons, pens, stickers, banners and streamers, in support of or in opposition to any candidate, political party or referendum, whether or not a charge is assessed for such work; excepting candidates, committees, individuals and groups subject to a filing requirement under this chapter.

(18) "Referendum" means any advisory, validating or ratifying question to be submitted to the electorate.

(19) "State office" means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, justice of the supreme court, circuit court judge, state senator and state representative to the assembly.

(20) "Voluntary committee" means a committee acting in support of or in opposition to any candidate or combination of candidates the formation of which a candidate or his agent does not encourage and over which a candidate or his agent has no control or direction.

History: 1973 c 334.

11.03 Nonapplicability. Except as specifically provided, ss. 11.10 to 11.20 do not apply to candidates for local office or to local referenda. Section 11.22 does not apply to candidates for state or national office or to statewide referenda. Elections for the positions of presidential elector, convention delegate and party committeeman are not subject to ss. 11.05 to 11.23, 11.26 to 11.29 and 11.31.

History: 1973 c 334.

11.04 Registration and voting drives. Sections 11.05 to 11.23, 11.26 and 11.31 do not apply to nonpartisan campaigns to increase voter registration or voting at any election that are not directed at supporting or opposing any specific candidate, political party, or referendum.

History: 1973 c 334.

11.05 Registration of political committees, groups and individuals. (1) Every political party committee, every other political committee and every political group under s. 11.23 which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a verified statement with the appropriate filing officer giving the information required by sub. (3).

(2) Every individual who accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a verified statement with the appropriate filing officer giving the information required by sub. (3).

(3) The statement of registration shall include, where applicable:

(a) The name and mailing address of the committee, group or individual.

(b) The names, mailing addresses, and relationships of affiliated or connected organizations.

(c) The nature of the organization in general terms.

(d) The area, scope, or jurisdiction of the committee, group or individual.

(e) The name and mailing address of the campaign treasurer and any other custodian of books and accounts.

(f) The name, mailing address, and position of other principal officers, including officers and members of the finance committee, if any.

(g) The name, mailing address, office sought, and party affiliation, if any, of:

1. Each candidate whom the committee or individual is supporting or opposing.

2. If the committee or individual is supporting the entire ticket of any political party, the name of the party.

(h) The nature of any referendum which is supported or opposed.

(i) A statement whether the committee or group is a continuing one.

(j) The sources of the registrant's income and the purposes for which disbursements are expected to be made.

(k) The disposition of residual funds which will be made in the event of dissolution or cessation of political activities.

(l) The name and address of the campaign depository and account numbers of each account and safety deposit box used.

(m) A statement of the reports required to be filed by the committee, group or individual with national or other filing officers, and, if so, the names, mailing addresses, and positions of such persons.

(4) Every committee under this chapter which in addition operates as a political group

must register under this section as a group. Every group which in addition operates as a political committee must register under this section as a committee.

(5) Any change in information previously submitted in a statement of registration shall be reported to the appropriate filing officer within 10 days following the change.

(6) No person, committee or group subject to a registration requirement may make any contribution or disbursement from property or funds acquired prior to the date of registration under this section.

History: 1973 c 334.

11.06 Continuing reports; filing requirement and funding procedure. (1) Each committee, group or individual subject to a registration requirement under s. 11.05 (1) or (2) shall make full reports, upon a form prescribed by the board, of all contributions received, contributions or disbursements made, and obligations incurred. Each report shall contain the following information, covering the period since the last date covered on the previous report:

(a) A statement of the total contributions from any single contributor exceeding \$10 in the aggregate during the reporting period, which are received and accepted, returned or donated in accordance with this chapter.

(b) The full name and street address of each contributor of more than \$10 in the aggregate during the reporting period, the amount contributed by each such contributor.

(c) An itemization of every obligation exceeding \$10 in amount or value incurred by the registrant together with the name of the person or business with whom the obligation was incurred, the specific purpose for which each such obligation was incurred, and the date when each was incurred.

(d) An itemization of every contribution, disbursement and transfer of funds to any other registrant exceeding \$10 in amount or value made by the registrant together with the name of the person, committee or business to whom the disbursement was made, the specific purpose for which each such contribution or disbursement was made, and the date when each contribution or disbursement was made. In the case of a voluntary committee or individual under sub. (7), the candidate on whose behalf a disbursement or transfer is made shall also be indicated.

(e) A statement of the aggregate contributions received and accepted, aggregate contributions returned and aggregate contributions donated in accordance with this chapter; of the aggregate contributions or disbursements made; of the aggregate transfers of funds made to other

registrants; and the aggregate obligations incurred.

(f) A separate statement of the full name of each contributor donating more than \$100, cumulatively within the calendar year, and the street address, amount contributed, and occupation and principal place of employment in the case of individuals.

(2) A contribution is received by a candidate for purposes of this chapter when it is in the possession of the candidate, his campaign treasurer or any other agent of the candidate or personal campaign committee who is authorized to receive contributions. A contribution is received by an individual, group or committee, other than a personal campaign committee, when it is in the possession of the individual or the committee or group treasurer, or an agent of the treasurer who is authorized to receive funds. Unless it is returned or donated within 10 days of receipt, any such contribution must be reported as received and accepted on the date received. This subsection applies notwithstanding the fact that the contribution is not deposited in the campaign depository by the reporting deadline.

(3) The individual or treasurer of the group or committee shall make a good faith effort to obtain all required information. The first report shall commence no later than the date that the first contribution is received and accepted or the first disbursement is made. Each report shall be filed with the appropriate filing officer on the dates designated in s. 11.20. The individual or the treasurer of the group or committee shall certify the correctness of each report.

(4) An individual, group or committee which is registered under s. 11.05 may make disbursements for any lawful political purpose.

(5) Except as provided in s. 11.05 (1) and (2), every committee or individual making disbursements in support of or in opposition to a candidate, except a voluntary committee or individual under sub. (7), must proceed under s. 11.12 (1) or 11.22 (2) (a). Where a disbursement is made in support of more than one candidate, the disbursement shall be apportioned reasonably among the candidates.

(6) Any report of a committee which concerns activities being carried on as a political group under this chapter shall contain separate treatment of such activities.

(7) Every voluntary committee and every individual who desires to accept contributions and make disbursements during any calendar year, in support of or in opposition to any candidate in any election shall file with the registration statement under s. 11.05 a statement under oath affirming that all contributions are accepted and disbursements made without the encouragement, direction or control of any

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candidate who is supported or opposed. Any person who falsely makes such an oath, or any committee or agent of a committee who carries on any activities with intent to violate such oath is guilty of a violation of this chapter.

(8) The duty to file reports under this section continues until a termination report is filed in accordance with s. 11.19 or 11.22 (5).

(9) The appropriate filing officers shall distribute forms for reports under this section pursuant to ss. 11.21 (2) and 11.22 (7) (c). Failure to receive a form does not exempt the committee, individual or group from compliance with this section.

History: 1973 c. 334.

11.07 Registration and reporting of non-resident individuals, committees and groups.

(1) Every nonresident committee or group making contributions and every nonresident individual, committee or group making disbursements exceeding \$25 cumulatively in a calendar year within this state shall file his or its name, mailing and street address and the name and the mailing and street address of a designated agent within the state with the office of the secretary of state. After any change in the name or address of such agent the new address or name of the successor agent shall be filed within 30 days. Service of process in any proceeding under this chapter or ch. 12, or service of any other notice or demand may be made upon such agent.

(2) During any period within which any individual or organization under sub. (1) fails to appoint or maintain in this state a registered agent, or whenever any such registered agent cannot with reasonable diligence be found at the street address listed on the registration, the secretary of state shall be an agent and representative of such individual or organization upon whom any process, notice or demand may be served. Service on the secretary of state of any such process, notice or demand against any such individual or organization shall be made by delivering to and leaving with him, or with any clerk having charge of his office, duplicate copies of such process, notice or demand. If any process, notice or demand is served on the secretary of state, he shall immediately cause one of such copies to be forwarded by registered mail, addressed to such individual, committee or group at its mailing address as the same appears in the records of the secretary of state. The time within which the defendant may demur or answer does not start to run until 10 days after the date of such mailing.

(3) The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, which shows the

date and hour of service and the date of mailing. The certificate of the secretary of state that he was served with a summons and complaint or notice of object of action or with any notice or demand required or permitted by law and that he mailed the same as required by law, shall be evidence of service. If the address of the individual, committee or group is not known or readily ascertainable, mailing is dispensed with, and a copy of the process shall then be published as a class 1 notice, under ch. 985, in the county wherein the last-known registered agent was located and, if unknown, in Dane county.

(4) Nothing in this section limits or affects the right to serve any process, notice or demand required or permitted by law to be served upon a nonresident individual or organization in any other manner permitted by law.

(5) Any campaign treasurer or individual who knowingly receives a contribution made by an unregistered nonresident in violation of this section may not use or expend such contribution but shall immediately return it to the source or at his option, donate the contribution to a charitable organization or to the common school fund.

(6) For purposes of this section, a nonresident individual or organization is one who or which does not maintain an office or street address within the state.

History: 1973 c. 334.

11.08 Reports by party committees.

(1) Every committee of a political party which is required to file statements and reports under this chapter shall file all statements and reports with the board. A state committee of a political party may be designated by a congressional, legislative, county or local party committee as its reporting agent for purposes of this chapter, but such designation does not permit combination of reports. If any committee is so designated, the treasurer of the state committee shall so inform the board.

(2) In addition to the report under sub. (1), each committee of a political party which receives contributions originating in any county shall file a report with the county clerk of the county in which the contributor is domiciled no later than the dates specified in s. 11.20 (5), and s. 11.20 (3) in the case of the September primary and general election. The report shall contain the information required under s. 11.06 (1) (b).

History: 1973 c. 334.

11.09 Duplicate reports required in certain cases.

Every report of a candidate for state or national office, except the offices of U.S. senator, governor, lieutenant governor, secretary of state, state treasurer, attorney general, state

superintendent of public instruction and justice of the supreme court, and every report of a voluntary committee or individual under s. 11.06 (7) which is acting in support of or in opposition to such a candidate shall be transmitted in the form of a certified duplicate copy to the county clerk of each county any part of which is contained in the district of the candidate. In every case where a duplicate report is filed under this section, a certified duplicate copy of the registration shall also be transmitted to the county clerk. This section does not apply to committees of a political party.

History: 1973 c. 334

11.10 Campaign treasurers and campaign depositories.

(1) Each candidate in an election shall appoint one campaign treasurer and shall designate one campaign depository before he receives any contribution or makes any disbursement in behalf of his candidacy. The person designated shall be the treasurer of the candidate's personal campaign committee, if any. The candidate may appoint himself or any other elector as his campaign treasurer and may maintain accounts in any bank or trust company authorized by law to transact business in this state. A verified registration statement under s. 11.05 must be filed by or on behalf of every candidate by his campaign treasurer. The statement shall include the name and address of the campaign treasurer and the campaign depository. The candidate's qualification is not complete until he has met this requirement. The campaign treasurer or candidate shall certify as to the correctness of each report required to be filed by him, and the candidate shall bear the responsibility for the accuracy of each report for purposes of civil liability under this chapter, whether or not he certifies it personally.

(2) A candidate may remove a campaign treasurer at any time.

(3) In case of the death, resignation or removal of a campaign treasurer, the candidate shall designate a successor and shall file the successor's name and address with the board as soon as practicable.

(4) Every committee shall appoint a treasurer. Every individual under s. 11.06 (7) shall be deemed his own treasurer.

(5) Candidates for governor and lieutenant governor of the same political party may receive contributions and make disbursements for both candidates from either depository.

History: 1973 c. 334.

11.12 Campaign contributions and disbursements; election reports.

(1) No contribution may be made or received and no disbursement may be made or obligation

incurred by a person or committee, except within the amount authorized under s. 11.05 (1) and (2), in support of or in opposition to a specific candidate in an election, other than through the campaign treasurer of the candidate or his opponent, or by or through an individual or voluntary committee registered under s. 11.05 and filing a statement under s. 11.06 (7). An individual may contribute his own personal services for a political purpose without specific compensation for such services and his traveling expenses in connection therewith in support of or in opposition to a candidate and such amounts need not be reported. A person may make disbursements for the purpose of preparing and transmitting personal correspondence, provided such material is not reproduced by machine for distribution.

(2) Any anonymous contribution exceeding \$10 received by a campaign or committee treasurer or by an individual under s. 11.06 (7) may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization at the option of the treasurer.

(3) All contributions, disbursements and incurred obligations exceeding \$10 shall be recorded by the campaign or committee treasurer or the individual under s. 11.06 (7). He shall maintain such records in an organized and legible manner, for not less than 3 years after the date of an election in which the registrant participates. If a report is submitted under s. 11.19, the records may be transferred to a continuing committee or to the appropriate filing officer for retention. Records shall include the information required under s. 11.06 (1).

(4) All contributions, disbursements and incurred obligations shall be reported in accordance with s. 11.20. Each election report shall contain the same information which is required under s. 11.06 (1).

(5) If any contribution of more than \$500 cumulatively is received by a candidate for state office or by a committee from a single contributor later than 11 days prior to a primary or election such that it is not included in the election report submitted under s. 11.20 (3) (a), the treasurer of the committee or the individual receiving such contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the next regular report. Contributions under this subsection cumulate beginning with the day after the last date covered on the preelection report.

History: 1973 c. 334.

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11.13 Political party may establish pre-campaign committee. (1) Notwithstanding ss. 11.10 (1) and 11.16 (4), a state committee of a political party may at any time establish a precampaign committee for the purpose of raising contributions to be transferred to any candidate of the party for U.S. senator, governor, lieutenant governor, secretary of state, state treasurer or attorney general.

(2) A separate precampaign committee must be established for each office for which the political party desires to use this procedure.

(3) Every precampaign committee shall appoint a single treasurer and shall file reports under s. 11.20 (3) and (5) with the board. No such committee may make or authorize a disbursement or the incurrence of an obligation in support of or in opposition to any candidate. Every contribution which is received by the treasurer shall be deposited in a separate account at the depository of the political party committee and shall be designated as "(Name of political party) Precampaign Fund for (title of office)". However, the committee may operate and be known under any name it desires.

(4) Whenever the state committee of the political party directs, the precampaign committee may dissolve under s. 11.19 and transfer its entire fund to a candidate of the political party for the office designated. If the candidate accepts such transfer, individual contributors to the precampaign committee are considered to be individual contributors to the candidate for purposes of s. 11.26 (9) and shall be reported and treated by the candidate as such. If the candidate rejects such transfer, the precampaign committee may not make any contribution or contributions to him exceeding the amounts specified under s. 11.26 (2) (a) and shall be treated as a committee contributor for purposes of s. 11.26 (9).

(5) No later than 10 days after the candidate of the political party for the designated office is nominated and entitled to appear on the election ballot, the precampaign committee must dissolve and submit a report under s. 11.19.

(6) All limitations under s. 11.26 are applicable to any contributor to a candidate's campaign committee for that candidate if he accepts the transfer under sub. (4). The committees are considered to have been the same committee after the transfer is effected for purposes of s. 11.26.

History: 1973 c. 334.

11.14 Deposit of contributions. Any funds received by a campaign or committee treasurer, group treasurer or individual shall be deposited in a campaign depository account designated "Campaign Fund of (name of candidate,

committee, individual or group subject to filing requirement)". The individual or treasurer shall deposit all funds received in the campaign depository no later than the 5th business day commencing after receipt.

History: 1973 c. 334.

11.16 Campaign contributions and disbursements; restrictions. (1) No disbursement may be made or obligation incurred by a candidate, or by any other person or committee in support of or in opposition to a candidate, other than an individual who, or a voluntary committee which, has registered under s. 11.05 and filed an oath under s. 11.06 (7), except by the campaign treasurer of the candidate or other agent designated by the candidate and acting under his authority. In the event that an obligation is incurred or disbursement made by the campaign treasurer or other authorized agent of the candidate, the action is imputable to the candidate for purposes of civil liability under this chapter.

(2) Every contribution of money exceeding \$50 shall be made by negotiable instrument bearing on the face the name of the remitter. No treasurer may accept a contribution made in violation of this subsection. The treasurer shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

(3) Every disbursement exceeding \$25 shall be made by negotiable instrument bearing on the face "Campaign Fund of (name of candidate, committee, individual or group subject to filing requirement)".

(4) The treasurer of a personal campaign committee may agree with a prospective contributor that a contribution is received to be utilized for a specific purpose not prohibited by law. Such purpose may not include a disbursement in support of or in opposition to another candidate or the transfer to an individual or committee acting in support of or in opposition to another candidate. When a contribution is made to a political party or to an individual or voluntary committee under s. 11.06 (7), the purpose may not be specified.

History: 1973 c. 334.

11.19 Dissolution of committees and groups; termination reports. (1) Where any group or committee except a voluntary committee, disbands or where any such committee, group or individual under s. 11.23 determines that obligations will no longer be incurred, and contributions will no longer be made or received or disbursements made during a calendar year in an aggregate amount of more than \$250, the

committee, group or individual shall notify the board and file a termination report, which shall include information as to the disposition of residual funds. Residual funds may be donated to a charitable organization if desired. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1). When any such committee, group or individual under this subsection retains an unexpended balance of contributions or deficit of incurred obligations in a campaign depository account which exceeds \$250, there shall continue to be filed periodic reports containing the information required by s. 11.06 (1) with the board, no later than the dates specified in s. 11.20.

(2) Where any voluntary committee or individual under s. 11.06 (7) determines that obligations will no longer be incurred, and contributions will no longer be received nor disbursements made during a calendar year, and outstanding incurred obligations are settled, the committee or individual shall file a termination report which shall include information as to the disposition of residual funds. Residual funds may be donated to a charitable organization if desired. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1).

History: 1973 c 334.

11.20 Filing requirements. (1) All reports required by s. 11.06 which relate to activities which promote or oppose candidates for state or national office or statewide referenda and all reports under ss. 11.12 and 11.19 shall be filed with the board.

(2) Reports under sub. (1) shall cover all contributions and transactions required to be reported during the periods designated in subs. (3) and (4). Except as provided under sub. (7), each report need contain only the information required under s. 11.06 (1).

(3) Election reports under s. 11.12 by committees or individuals supporting or opposing candidates for state office at any primary or election, including committees of a political party, and by individuals and groups concerned with a statewide referendum shall be received by the board:

(a) No earlier than 11 days and no later than 8 days preceding the primary or election; and

(b) No earlier than 11 days and no later than 14 days after the primary or election.

(4) Election reports under s. 11.12 by committees or individuals supporting or opposing candidates for national office at any primary or election, including congressional district committees of a political party, shall be received by the board:

(a) No earlier than the 22nd and no later than the 15th day preceding the primary or election; and

(b) No earlier than the 12th and no later than the 5th day preceding the primary or election.

(5) Continuing reports under s. 11.06 (1) by committees or individuals supporting or opposing candidates for state office, including committees of a political party, and by individuals or groups concerned with a statewide referendum shall be received by the board no later than January 10 and July 10, or on the next business day thereafter if such day is not a business day.

(6) Continuing reports under s. 11.06 by committees or individuals supporting or opposing candidates for national office shall be received by the board no later than January 31, March 10, June 10 and September 10.

(7) The continuing report on January 10 shall contain all the information required by s. 11.06 (1) compiled cumulatively for the prior calendar year.

(8) Election reports under sub. (3) shall include all contributions received and transactions made as of the end of the 3rd day preceding the deadline for submission. Continuing reports under sub. (5) shall include all contributions received and transactions made as of the end of the 10th day preceding the deadline for submission. Election reports under sub. (4) may be current to the 7th day preceding the deadline for submission.

(9) All reports required by this chapter shall be open to public inspection.

(10) If a candidate is unopposed in a primary or election after the time prescribed by law for qualifying for nomination or election to the office, his obligation to file the reports required by this chapter does not cease. A candidate or other registrant who makes or receives no contributions, makes no disbursements or incurs no obligations shall so report on the dates designated in subs. (3) to (6).

History: 1973 c 334.

11.21 Duties of the elections board. The board shall:

(1) Prescribe forms for making the reports, statements and notices required by this chapter and furnish such forms to local filing officers for distribution under s. 11.22 (7) (a).

(2) Furnish to each candidate, individual, committee or group registered with it under s. 11.05 prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not later than 14 days prior to the applicable filing deadline under s. 11.20, and addressed to the attention of the person certifying the registration or most recent report. Failure to

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receive a form does not exempt a registrant from compliance with this chapter.

(3) Prepare, publish, and furnish each person required to file reports and statements with a manual setting forth simply and concisely recommended uniform methods of bookkeeping and reporting. Manuals shall also be furnished to local filing officers for distribution under s. 11.22 (7) (a).

(4) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(5) Make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which it was received, and permit copying of any such report or statement by hand or by duplicating machine at cost, as requested by any person, provided that any information copied from such reports and statements may not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(6) Compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate, individual, committee or group.

(7) Include in its annual report under s. 5.05 (5) compilations of any of the following in its discretion:

(a) Total reported contributions, disbursements and incurred obligations for all candidates, individuals, committees and groups during the year.

(b) Total amounts expended according to such categories as it may determine and separated according to candidate, political party, and nonparty disbursements on the state and national levels.

(c) Total amounts expended for influencing nominations and elections stated separately.

(d) Total amounts contributed according to such categories of amounts as it determines and separated according to contributions on the state and national levels for candidates, individuals, committees and groups.

(e) Aggregate amounts contributed by any contributors shown to have contributed more than \$100.

(8) Prepare and publish from time to time special reports comparing the various totals and categories of contributions and disbursements made with respect to preceding elections.

(9) Notify the district attorney of the proper county or the governor under ss. 11.60 (4) and 11.61 (2) of any facts within its knowledge or evidence in its possession, including errors or discrepancies in reports or statements and

delinquencies in filing, which may be grounds for civil action or criminal prosecution.

(10) Make available a list of delinquents for public inspection.

(11) Receive and maintain in an orderly manner all reports and statements required to be filed under the federal election campaign act of 1971 (P.L. 92-225) with it, and in addition shall:

(a) Preserve such reports and statements for a period of 10 years from date of receipt, except that reports and statements relating solely to candidates for the U.S. house of representatives need be preserved for only 6 years from the date of receipt.

(b) Notwithstanding sub. (5), make each report and statement filed with it under this subsection available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it is received.

(c) Compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate who is required to file a report or statement under P.L. 92-225.

(12) No earlier than 10 days and no later than 7 days prior to each reporting date under s. 11.20, send to every candidate for state or national office and to every committee, group or individual registered under s. 11.05 with it, notice of the reports required by this chapter, of the place and the deadline for filing such reports, and of the penalties for neglecting to file a report. Mailing shall be in the same manner as prescribed by sub. (2). Failure to receive such notification does not exempt any registrant from compliance with this chapter.

(13) In addition to the notice required under sub. (12), immediately send to any registrant who is delinquent in filing a report a notice that the registrant has failed to comply with this chapter. Such notice shall be sent upon a form prescribed by the board.

(14) Prepare, publish and periodically revise as necessary, a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of chs. 11 and 12. Copies shall be distributed to election officials, to each candidate for national, state or local office upon filing nomination papers and to every committee, individual or group upon registering under s. 11.05. Distribution to all others shall be made upon payment of a fee of \$1 per copy.

History: 1973 c. 334.

11.22 Local candidates; financial reporting. (1) CAMPAIGN TREASURERS AND CAMPAIGN DEPOSITORIES. (a) Each candidate in an election shall appoint one campaign treasurer and shall designate one campaign depository

before he receives any contribution or makes any disbursement in behalf of his candidacy. The person designated shall be the treasurer of the candidate's personal campaign committee, if any. The candidate may appoint himself or any other elector as his campaign treasurer and may maintain accounts in any bank or trust company authorized by law to transact business in this state. A verified registration statement under s. 11.05 must be filed by or on behalf of every candidate by his campaign treasurer with the appropriate filing officer. The statement shall include the name and address of the campaign treasurer and the campaign depository. The candidate's qualification for office is not complete until he has met this requirement. The campaign treasurer or candidate shall certify as to the correctness of each report required to be filed by him, and the candidate shall bear the responsibility for the accuracy of each report, whether or not he certifies it personally.

(b) A candidate may remove a campaign treasurer at any time.

(c) In case of the death, resignation or removal of a campaign treasurer, the candidate shall designate a successor and shall file the successor's name and address with the appropriate filing officer as soon as practicable.

(d) Every committee shall appoint a treasurer. Every individual under s. 11.06 (7) shall be deemed his own treasurer.

(2) CAMPAIGN CONTRIBUTIONS AND DISBURSEMENTS; ELECTION REPORTS. (a) No contribution may be made or received and no disbursement may be made or obligation incurred by a person or committee, except within the amount authorized under s. 11.05 (1) and (2), in support of or in opposition to a specific candidate in an election, other than through the campaign treasurer of the candidate or his opponent, or by or through an individual or voluntary committee registered under s. 11.05 and filing a statement under s. 11.06 (7). An individual may contribute his own personal services for a political purpose and his traveling expenses in connection therewith in support of or in opposition to a candidate and such amounts need not be reported. A person may make disbursements for the purpose of preparing and transmitting personal correspondence, provided such material is not reproduced by machine for distribution.

(b) Any anonymous contribution exceeding \$10 received by a campaign or committee treasurer or by an individual under s. 11.06 (7) may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization at the option of the treasurer.

(c) All contributions, disbursements and incurred obligations exceeding \$10 shall be

recorded by the campaign or committee treasurer or the individual under s. 11.06 (7). He shall maintain such records in an organized and legible manner, for not less than 3 years after the date of an election in which the registrant participates. If a report is submitted under sub. (5), the records may be transferred to a continuing committee or to the appropriate filing officer for retention. Records shall include the information required under s. 11.06 (1).

(d) All contributions, disbursements and incurred obligations shall be reported to the appropriate filing officer on the dates specified in s. 11.20 (3) (a) and (b). Each election report shall contain the same information which is required under s. 11.06 (1).

(e) If any contribution of more than \$500 cumulatively is received by a candidate for local office or by a committee from a single contributor later than 11 days prior to a primary or election such that it is not included in the election report submitted under s. 11.20 (3) (a), the treasurer of the committee or the individual receiving such contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the next regular report. Contributions under this paragraph cumulate beginning with the day after the last date covered on the preelection report.

(3) DEPOSIT OF CONTRIBUTIONS. Any funds received by a campaign or committee treasurer, group treasurer or individual shall be deposited in the campaign depository in an account designated "Campaign Fund of (name of candidate, committee, individual or group subject to filing requirement)". The individual or treasurer shall deposit all funds received in the campaign depository no later than the 5th business day commencing after receipt.

(4) CAMPAIGN CONTRIBUTIONS AND DISBURSEMENTS; RESTRICTIONS. (a) No disbursement may be made or obligation incurred by a candidate, or by any other person or committee in support of or in opposition to a candidate, other than an individual who, or a voluntary committee which, has registered under s. 11.05 and filed an oath under s. 11.06 (7), except by the campaign treasurer of the candidate or other agent designated by the candidate and acting under his authority. In the event that an obligation is incurred or disbursement made by the campaign treasurer or other authorized agent of the candidate, the action is imputable to the candidate for purposes of civil liability under this chapter.

(b) Every contribution of money exceeding \$50 shall be made by negotiable instrument bearing on the face the name of the remitter. No

treasurer may accept a contribution made in violation of this subsection. The treasurer shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

(c) Every disbursement exceeding \$25 shall be made by negotiable instrument bearing on the face "Campaign Fund of (name of candidate, committee, individual or group subject to filing requirement)".

(d) The treasurer of a personal campaign committee may agree with a prospective contributor that a contribution is received to be utilized for a specific purpose. Such purpose may not include a disbursement in support of or in opposition to another candidate or the transfer to an individual or committee acting in support of or in opposition to another candidate. When a contribution is made to a political party or to an individual or voluntary committee under s. 11.06 (7), the purpose may not be specified.

(5) DISSOLUTION OF COMMITTEES AND GROUPS; TERMINATION REPORTS. (a) Where any group or committee, except a voluntary committee, disbands or where any such committee, group or individual under s. 11.23 determines that obligations will no longer be incurred, and contributions will no longer be made or received or disbursements made during a calendar year in an aggregate amount of more than \$250, the committee, group or individual shall notify the appropriate filing officer and file a termination report, which shall include information as to the disposition of residual funds. Residual funds may be donated to a charitable organization if desired. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1). When any such committee, group or individual under this paragraph retains an unexpended balance of contributions or deficit of incurred obligations in a campaign depository account which exceeds \$250, there shall continue to be filed periodic reports containing the information required by s. 11.06 (1), no later than the dates specified in s. 11.20.

(b) Where any voluntary committee or individual under s. 11.06 (7) determines that obligations will no longer be incurred, and contributions will no longer be received nor disbursements made during a calendar year and outstanding incurred obligations are settled, the committee or individual shall file a termination report which shall include information as to the disposition of residual funds. Residual funds may be donated to a charitable organization if desired. The report shall be filed and certified as

were previous reports and shall contain the information required by s. 11.06 (1).

(6) FILING REQUIREMENTS. (a) All reports required by s. 11.06 which relate to activities which promote or oppose candidates for local office or to local referenda and all reports under subs. (2) and (5) shall be filed with the appropriate filing officer. Reports required by this subsection shall cover all contributions and transactions required to be reported during the periods designated in par. (c). Except as provided in par. (e), each report need contain only the information required under s. 11.06 (1).

(c) Election reports by committees or individuals supporting or opposing candidates for local office at any primary or election, and by individuals or groups concerned with a local referendum shall be received by the appropriate filing officer on the dates designated in s. 11.20 (3) (a) and (b).

(d) Continuing reports under s. 11.06 by committees or individuals supporting or opposing candidates for local office, and by individuals or groups concerned with a local referendum shall be received by the appropriate filing officer no later than January 10 and July 10, or on the next business day thereafter if such day is not a business day.

(e) The local continuing report on January 10 shall contain all the information required by s. 11.06 (1) compiled cumulatively for the prior calendar year.

(f) Election reports under par. (c) shall include all contributions received and transactions made as of the end of the 3rd day preceding the deadline for submission under s. 11.20 (3). Continuing reports under par. (d) shall include all contributions received and transactions made as of the end of the 10th day preceding the deadline for submission.

(g) All reports required by this chapter shall be open to public inspection.

(h) If a candidate is unopposed in a primary or election his obligation to file the reports under this chapter does not cease. A candidate or other registrant who makes or receives no contributions or makes no disbursements shall so report on the dates designated in s. 11.20 (3) and (5).

(7) DUTIES OF THE LOCAL FILING OFFICER. Each local filing officer shall:

(a) Obtain reporting forms, manuals and election laws provided by the board under ss. 7.08 (4) and 11.21 (1), (3) and (14) and make them available to registrants under this chapter, to election officials and to members of the general public. Fees shall be collected where required.

(b) Develop a filing, coding and cross-indexing system consonant with the purposes of this chapter.

(c) Furnish to each candidate, individual, committee or group registered with him under s. 11.05, prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not later than 14 days prior to the applicable filing deadline under sub. (6) and addressed to the attention of the person certifying the registration or most recent report. Failure to receive a form does not exempt a registrant from compliance with this chapter.

(d) Notify the district attorney, or the attorney general where appropriate under ss. 11.60 (4) and 11.61 (2) of any facts within his knowledge or evidence in his possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution.

(e) Make available a list of delinquents for public inspection.

(f) Compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate, individual, committee or group.

(g) No earlier than 10 days and no later than 7 days prior to each reporting date under s. 11.20, send to every candidate for local office and to every committee, group or individual registered under s. 11.05 with his office, notice of the reports required by this chapter, of the place and the deadline for filing such reports, and of the penalties for neglecting to file a report. Mailing shall be in the same manner as prescribed by par. (c). Failure to receive such notification does not exempt any registrant from compliance with this chapter.

(h) Make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which it was received, and permit copying of any such report or statement by hand or by duplicating machine at cost, as requested by any person, provided that any information copied from such reports and statements may not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(i) In addition to the notice required by par. (g), immediately send to any registrant who is delinquent in filing a report a notice that the registrant has failed to comply with this chapter.

History: 1973 c 334

11.23 Political groups and individuals; referendum questions. (1) Any group or individual may promote or oppose any referendum in this state. Before making disbursements, receiving contributions or incurring obligations

for such purposes, the group or individual shall file a verified registration statement under s. 11.05. In the case of a group the name and mailing address of each of its officers shall be given in the statement. Every group and every individual under this section shall designate a bank or trust company authorized to transact business in this state as a campaign depository and may maintain accounts with that depository for the deposit of funds received. Every group shall appoint a treasurer, who may delegate his authority but is jointly responsible for the actions of his authorized designee for purposes of civil liability under this chapter. The appropriate filing officer shall be promptly notified by a group of any change in its treasurer. The treasurer of a group shall certify the correctness of each statement or report submitted by it under this chapter.

(2) Any anonymous contribution exceeding \$10 received by an individual or group treasurer may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization at the option of the treasurer.

(3) All contributions, disbursements and incurred obligations exceeding \$10 shall be recorded by the group treasurer or the individual. He shall maintain such records in an organized and legible manner, for not less than 3 years after the date of a referendum in which the group or individual participates. If a report is submitted under s. 11.19 or 11.22 (5), the records may be transferred to a continuing group or to the appropriate filing officer for retention. Records shall include the information required under s. 11.06 (1).

(4) Each group or individual shall file periodic reports as provided in ss. 11.06, 11.19, 11.20 and 11.22 (5) and (6) (e).

(5) Any report of a group which concerns activities being carried on as a political committee under this chapter shall contain separate treatment of such activities.

(6) If any contribution exceeding \$500 cumulatively is received from a single contributor later than 11 days prior to a primary or election such that it is not included in the election report submitted under s. 11.20 (3) (a), the treasurer of the group or the individual receiving such contribution shall within 24 hours of receipt inform the board of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the next regular report. Contributions under this subsection cumulate beginning with the day after the last date covered on the preelection report.

History: 1973 c 334

11.24 CAMPAIGN FINANCING**11.24 Unlawful political contributions.**

(1) No person may, directly or indirectly, make any contribution other than from funds or property belonging to the contributor. No person may, directly or indirectly, furnish funds or property to another person for the purpose of making a contribution in other than his own name. No person may intentionally accept or receive any contribution made in violation of this subsection.

(2) No person may intentionally accept or receive any contribution made in violation of this chapter.

History: 1973 c. 334

11.25 Unlawful political disbursements and obligations.

(1) No person, committee or group may intentionally receive or accept any thing of value, or any promise or pledge thereof, constituting a disbursement made or obligation incurred for political purposes contrary to law.

(2) No person, committee or group may make or authorize a disbursement or the incurrance of an obligation from moneys solicited for political purposes for a purpose which is other than political, except as specifically authorized by law.

History: 1973 c. 334

11.26 Limitation on contributions. (1) No individual may make any contribution or contributions, directly or indirectly, to a candidate for election or nomination to any of the following offices and to any individual or voluntary committee under s. 11.06 (7) acting in support of such a candidate to the extent of more than a total of the amounts specified per candidate:

(a) Candidates for U.S. senator, governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction and justice of the supreme court, \$10,000.

(b) Candidates for U.S. congressman, \$5,000.

(c) Candidates for state senator, \$1,000.

(d) Candidates for representative to the assembly, \$500.

(e) Candidates for all other state and local offices, 5% of the value of the candidate's authorized disbursement limitation under s. 11.31.

(2) No committee other than a political party committee may make any contribution or contributions, directly or indirectly, to a candidate for election or nomination to any of the following offices and to any individual or voluntary committee under s. 11.06 (7) acting in support of such a candidate to the extent of more

than a total of the amounts specified per candidate:

(a) Candidates for U.S. senator, governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction and justice of the supreme court, 4% of the value of the candidate's authorized disbursement limitation under s. 11.31.

(b) Candidates for other national, state and local offices, 5% of the value of the candidate's authorized disbursement limitation under s. 11.31.

(3) The contribution limitations of subs. (1) and (2) apply cumulatively to the primary and election campaign in which a candidate participates, whether or not there is a contested primary election. All moneys cumulate regardless of the time of contribution.

(4) No individual may make any contribution or contributions, directly or indirectly, to all candidates for national, state and local offices or to any individuals or committees acting in support of or in opposition to such candidates, including committees of a political party, to the extent of more than a total of \$10,000 in any calendar year.

(5) No committee other than a political party committee may make any contributions, directly or indirectly, to all candidates for U.S. senator, governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction and justice of the supreme court or to any individuals or voluntary committees under s. 11.06 (7) acting in support of or in opposition to such candidates, to the extent of more than a total of \$50,000 in any biennium.

(6) No committee other than a political party committee may make any contributions, directly or indirectly, to all candidates for every national, state or local office except those specified in sub. (5), or to any individuals or voluntary committees under s. 11.06 (7) acting in support of or in opposition to such candidates, to the extent of more than a total of \$30,000 in any biennium.

(7) As used in subs. (5) and (6), a "biennium" commences with the beginning of each odd-numbered calendar year and terminates at the end of each even-numbered calendar year.

(8) No political party under s. 5.02 (12) may receive more than a total of \$25,000 in value of its contributions in any calendar year from all other committees, excluding transfers between party committees of such party. No such political party may receive more than a total of \$3,000 in value of its contributions in any calendar year from any specific committee or its subunits or affiliates, excluding political party

committees. No committee, other than a political party committee, may make any contribution or contributions, directly or indirectly, to a political party under s. 5.02 (12) in a calendar year exceeding a total value of \$3,000.

(9) No candidate may receive more than 65% of the value of his total authorized disbursement limitation under s. 11.31 from all other committees subject to a filing requirement, including political party committees.

(10) Notwithstanding sub. (1), a candidate may make contributions of not more than 150% of the amounts specified to his own campaign. The contribution limit of sub. (4) applies to amounts contributed by a candidate personally to his own campaign and to other campaigns, except that a candidate may exceed the limitation if he is authorized under this section to contribute more than the amount specified to his own campaign, up to the amount of that limitation. A candidate's personal contributions must be deposited in his campaign depository account and reported in the normal manner.

(11) Excess contributions shall be returned to the donor or treated in accordance with s. 11.12 (2), 11.22 (2) (b) or 11.23 (2), at the option of the treasurer.

History: 1973 c. 334

11.27 False reports and statements. (1) No person may submit a false report or statement to a filing officer under this chapter.

(2) In civil actions under this chapter, the acts of every member of a personal campaign committee are presumed to be with the knowledge and approval of the candidate, until it has been clearly proved that the candidate did not have knowledge of and approve the same.

History: 1973 c. 334.

11.29 Communications for political purposes. (1) Nothing in this chapter restricts any corporation, cooperative or voluntary association other than a political party or personal campaign committee from making disbursements for the purpose of communicating only with its members, shareholders, patrons or subscribers to the exclusion of all other persons, with respect to endorsements of candidates, positions on a referendum to be submitted to the voters or explanation of its views or interests, without reporting such activity. No such corporation, cooperative or voluntary association may solicit contributions from persons who are not members, shareholders, patrons or subscribers to be used for such purposes.

(2) Notwithstanding s. 11.12 (1) or 11.22 (2) (a), a political party committee may make single communications to its members at periodic intervals with respect to an explanation

of its views or interests, a position on a referendum to be submitted to the voters, or endorsement of an entire slate of candidates at any jurisdictional level or levels. Such activity shall be reported by the party committee.

(3) No communications medium may be utilized for communications authorized under this section unless the medium is restricted solely to members, shareholders, patrons or subscribers.

History: 1973 c. 334.

11.30 Identification of political contributions, disbursements and communications.

(1) No disbursement may be made or obligation incurred anonymously, and no contribution or disbursement may be made or obligation incurred in a fictitious name or by one person or organization in the name of another for any political purpose.

(2) The source of all printed advertisements, billboards, handbills, sample ballots, paid television and radio advertisements and other communications intended for political purposes shall clearly appear thereon. In the case of a communication in support of or in opposition to a specific candidate the communication must contain the name of the candidate and be identified by the words "Paid for by" followed by the name and address of the campaign treasurer or other authorized agent of the candidate on whose behalf the communication is made. A voluntary committee or individual under s. 11.06 (7) shall also in every communication in support of or in opposition to a candidate affirm that the committee or individual is the sole source of the communication and that it is made without the encouragement, direction or control of the candidate who is being supported or opposed. In any other communication intended for political purposes the name of the group, committee or other sponsoring organization, its chief executive officer and his address must be stated. An individual under s. 11.23 shall also state his name and address in such communications. Communications under this section by a personal campaign committee may identify the committee or any subcommittee thereof. If the reference is not explicit, the communication is presumed to be paid for by the campaign treasurer of the candidate who is supported. No person may publish or disseminate, or cause to be published or disseminated any communication in violation of this subsection.

(3) (a) This subsection applies to the following persons who own any financial interest in a newspaper or periodical circulating in this state or in any radio or television station located in this state:

1. Every person occupying any office or position with an annual compensation over \$300, under the constitution or laws of the United States or of this state or under an ordinance of any municipality of this state.

2. Every candidate or member of any committee or group under this chapter.

3. Every individual registered under s. 11.05.

(b) Any person named in par. (a) is guilty of a violation of this chapter unless, before using the communications medium for political purposes other than as provided for in sub. (2), there is filed with the board a verified declaration specifically stating the communications medium in which he has financial interest or over which he has control and the exact nature and extent of the interest or control.

(4) No owner or other person with a financial interest in a communications medium may utilize such medium in support of or in opposition to a candidate or referendum except as provided in this chapter. This chapter shall not be construed to restrict fair coverage of bona fide news stories, interviews with candidates and other politically active individuals, editorial comment or endorsement. Such activities need not be reported as a contribution or disbursement.

History: 1973 c. 334

11.31 Limitation on disbursements. (1) No candidate for national, state or local office may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the following:

(a) Candidates for U.S. senator, \$150,000 in the primary and \$350,000 in the election.

(b) Candidates for U.S. congressman, \$35,000 in the primary and \$50,000 in the election.

(c) Candidates for governor, \$150,000 in the primary, and \$350,000 in the election.

(d) Candidates for lieutenant governor, \$50,000 in the primary, and \$50,000 in the election.

(e) Candidates for attorney general, \$50,000 in the primary, and \$100,000 in the general election.

(f) Candidates for secretary of state, state treasurer, justice of the supreme court and superintendent of public instruction, \$25,000 in the primary and \$50,000 in the election.

(g) Candidates for state senator, \$16,000 total in the primary and election, with disbursements not exceeding \$10,000 for either the primary or the election.

(h) Candidates for representative to the assembly, \$8,000 total in the primary and election, with disbursements not exceeding \$5,000 for either the primary or the election.

(i) In any county with a population of 500,000 or more according to the most recent county-wide federal census:

1. For the following county offices:

a. Candidates for county executive, \$125,000 total in the primary and election, with disbursements not exceeding \$90,000 for either the primary or the election.

b. Candidates for district attorney, \$75,000 total in the primary and election, with disbursements not exceeding \$50,000 for either the primary or the election.

c. Candidates for county supervisor, \$8,000 total in the primary and election, with disbursements not exceeding \$5,000 for either the primary or the election.

2. Candidates for any county-wide elective office not treated in subd. 1, \$50,000 total in the primary and election, with disbursements not exceeding \$30,000 for either the primary or the election.

3. For the following offices in cities of the 1st class:

a. Candidates for mayor, \$125,000 total in the primary and election, with disbursements not exceeding \$90,000 for either the primary or the election.

b. Candidates for city attorney, \$75,000 total in the primary and election, with disbursements not exceeding \$50,000 for either the primary or the election.

c. Candidates for any other city-wide office, \$50,000 total in the primary and election, with disbursements not exceeding \$30,000 for either the primary or the election.

d. Candidates for alderman, \$8,000 total in the primary and election, with disbursements not exceeding \$5,000 for either the primary or the election.

(j) Candidates for any other state or local office, who are elected from a district with less than 500,000 inhabitants according to the census information on which the district is based, as certified by the appropriate filing officer, an amount equal to the greater of 1) \$500; or 2) one-fourth of the annual salary for the office sought; or 3) 10 cents per inhabitant of the district, but in no event more than \$20,000, for both the primary and the election combined. Within the limitation upon total disbursements specified, the candidates under this paragraph may allocate the disbursements between the primary and the election in any proportion they desire, and may carry over funds from a primary campaign to election campaign. If such a candidate does not participate in a primary campaign, total disbursements may be spent entirely in the election.

(2) Candidates for governor and lieutenant governor of the same political party may agree to

combine limitations under sub. (1) (c) and (d) in the general election and reallocate the total limitation between them. The board shall be informed of any such agreement.

(3) In addition to the amounts authorized under s. 11.05 (1) and (2), a voluntary committee or individual registered under s. 11.05 and filing an oath under s. 11.06 (7) may receive contributions and make disbursements from the funds or property received under s. 11.12 (1) or 11.22 (2) (a) not exceeding an aggregate total of \$50 during any calendar year.

(4) Except as provided in sub. (1) (j), if a candidate, committee or individual disburses less than the limit under sub. (1) in the primary, the balance may not be added to increase the limit in the election.

(5) A disbursement is made for the purposes of the election under this section when a person or committee contracts for goods to be delivered or services to be performed after the date of the primary, regardless of the time at which the contract is entered into by the contracting person or committee.

(6) In computing the limitations under this section an individual or campaign treasurer may exclude the cost of facilities rental, entertainment expense, food (including the preparation and service thereof if contracted to an outside agency) and any taxes which may apply, if utilized for a meal, rally or similar fund raising event intended for political purposes. Any such exclusion claimed shall be reported to the appropriate filing officer in such form as the board may require.

History: 1973 c. 334.

11.32 Compensation for political advertisements. (1) No owner, agent or employe of any communications medium may solicit, receive or accept any payment, promise or compensation, nor may any person pay, promise to pay or compensate such person, for the purpose of influencing voting at any election through any broadcast or printed matter unless designated as a paid advertisement under s. 11.30.

(2) No person publishing a newspaper or periodical or operating a radio or television station may receive rates for publishing or broadcasting advertising for political purposes in excess of the rate regularly charged for commercial advertising of a similar character and classification. No person, committee or group placing such advertising may pay any rate or charge in excess of the regularly charged rate.

History: 1973 c. 334.

11.33 Use of government mailing privileges. No person elected to state office may use

public funds for mailings of 100 or more pieces of substantially identical material after filing nomination papers as a candidate for national, state or local office, until after the date of the election or after the date of the primary election if such person is not nominated and does not file nomination papers as an independent candidate. This section does not apply to answers to communications of constituents.

History: 1973 c. 334.

11.34 Solicitation of contributions from candidates restricted. (1) No person may demand, solicit, take, invite or receive from a candidate any payment for a contribution of any thing of value for a religious, charitable or fraternal cause or for any organization other than for a state or county committee of a political party. A candidate may not make, intimate or promise such payment or contribution.

(2) This section does not apply to payment of a regular subscription or contribution by a person to an organization of which he is a member or to which he may have been a regular contributor prior to his candidacy or to ordinary contributions at a regular church service.

History: 1973 c. 334.

11.36 Political solicitation by state employees and officers restricted. No officer or employe of this state may solicit or receive or be involved in soliciting or receiving any contribution or service for any political purpose from any officer or employe of this state while on state time or engaged in his official duties as an officer or employe. Any person who has charge or control in a building, office or room occupied for any purpose by this state shall prohibit the entry of any person for the purpose of making or receiving a contribution. No person may enter or remain in any such building, office or room or send or direct a letter or other notice thereto for the purpose of demanding or collecting a contribution.

History: 1973 c. 334.

11.37 Use of state-owned vehicles and aircraft restricted. No person may use any state-owned vehicle or aircraft primarily for the purposes of campaigning in support of or in opposition to any candidate for national, state or local office after such candidate has publicly declared his candidacy or has filed nomination papers, unless there is paid to the state treasurer the mileage fees specified in s. 20.916 (4) (a). In the case of aircraft, an equitable fee shall be determined by the secretary of administration. Such fees shall be deposited in the account under s. 20.585 (1) (i).

History: 1973 c. 334.

11.38 Corporate political contributions prohibited. (1) (a) 1. No foreign or domestic corporation organized under ch. 180 or 181, or association organized under ch. 185, may make any contribution or disbursement, directly or indirectly, to any political party, committee, group, candidate or individual for any political purpose or to promote or defeat the candidacy of any person for nomination or election to any public office or any referendum to be submitted to the voters.

2. Any such corporation or association may establish and administer a separate segregated fund and solicit contributions from individuals to such fund to be utilized for political purposes by such corporation or association, but the corporation or association may not make contributions to such fund. Such fund shall appoint a single treasurer and shall register as a political committee under s. 11.05. The corporation or association may not expend more than \$500 annually for solicitation of contributions to such fund.

(b) No political party, individual, committee, group or candidate may accept any contribution prohibited by this section.

(2) (a) This section does not affect the right of any individual to support candidates and purposes of his own choosing or his right to subscribe to a regularly published organization newspaper.

(b) This section does not prohibit the publication of periodicals by a corporation or a cooperative in the regular course of its affairs which advise the members, shareholders or subscribers of the disadvantages or advantages to their interests of the election to office of persons espousing certain measures, or of the disadvantageous or advantageous effects of referendum questions.

(3) A violation of this section by an officer or employe of a corporation is prima facie evidence of a violation by the corporation.

(4) Any corporation which violates this section shall forfeit double the amount of any penalty assessed, as specified in s. 11.60 (3).

(5) An action against a corporation pursuant to a violation of this section may be brought either in the circuit court of the county in which the registered office or principal place of business of the corporation is located, or in the circuit court of the county in which the violation is alleged to have occurred. The proceedings may be brought either by the district attorney of the county where the violation is alleged to have occurred or by the attorney general.

(6) Any individual or campaign treasurer who receives funds in violation of this section shall promptly return such funds to the contributor or donate the funds to the common

school fund or a charitable organization, at the treasurer's option.

History: 1973 c. 334

11.40 Special privileges from public utilities. (1) In this section:

(a) "Public utility" means any corporation, company, individual or association which furnishes products or services to the public, and which is regulated under ch. 196, including but not limited to, railroads, telephone or telegraph companies and any company furnishing or producing heat, light, power or water.

(b) "Special privilege" means any thing of value not available to the general public.

(2) No public utility or anyone connected therewith may offer or give any special privilege to any candidate for public office or any committee or its members or employes or any person at the request of or for the advantage of any of them.

(3) No candidate for national, state or local office or any committee or member or employe thereof or any individual under s. 11.06 (7) may ask for or accept any special privilege from any public utility.

(4) This section does not apply to notaries public or to regular public utility employes who are candidates for or hold public offices for which the annual compensation is not more than \$300 so long as the privilege does not exceed those extended to other regular employes of the utility.

History: 1973 c. 334.

11.60 Civil penalties. (1) Any person, committee or group who violates this chapter may be required to forfeit not more than \$500 for each violation.

(2) In addition to the penalty under sub. (1), any person, committee or group who is delinquent in filing a report required by this chapter may be required to forfeit not more than \$50 or one per cent of the annual salary of the office for which the candidate is being supported or opposed, whichever is greater, for each day of delinquency.

(3) Notwithstanding sub. (1), whoever makes any contribution in violation of this chapter shall be required to forfeit treble the amount of the contribution or portion thereof which is illegally contributed.

(4) Actions under this section arising out of an election for state or national office or a statewide referendum may be brought by the board or by the district attorney of the county wherein the violation is alleged to have occurred, except as specified in s. 11.38. Actions under this section arising out of an election for local office or local referendum may be brought by the

district attorney of the county wherein the violation is alleged to have occurred. If a violation concerns a district attorney or county judge or candidate for such offices, the action shall be brought by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint special counsel to bring suit in behalf of the state. Such person shall be independent of the attorney general and need not be a state employe at the time of his appointment.

(5) Any elector may file a verified petition with the board or the appropriate district attorney or both where the authority is concurrent under sub. (4), requesting that civil action under this chapter be brought against any person, committee or group. The petition shall allege such facts as are within the knowledge of the petitioner to show probable cause that a violation of this chapter has occurred.

History: 1973 c. 334

11.61 Criminal penalties; prosecution.

(1) (a) Whoever intentionally violates ss. 11.05 (1) and (2), 11.07 (1) and (5), 11.10 (1), 11.12 (5), 11.22 (1) (a) and (2) (e), 11.23 (6) and 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years or both.

(b) Whoever intentionally violates ss. 11.25, 11.26, 11.27 (1), 11.30 (1) and 11.31 where the intentional violation exceeds \$100 in amount or value may be fined not more than \$10,000 or imprisoned not more than 3 years or both.

(c) Whoever intentionally violates any provision of this chapter other than those provided in par. (a) and whoever intentionally violates any provision under par. (b) where the intentional violation does not exceed \$100 in amount or value may be fined not more than \$1,000, or imprisoned not more than 6 months, or both.

(2) Except as provided in s. 11.38 (5), all prosecutions under this section shall be conducted by the district attorney of the county where the violation is alleged to have occurred. In the event that the district attorney does not act upon a sworn complaint by any person, the attorney general may then conduct the prosecution under this section. If a violation concerns a district attorney or county judge or candidate for such offices, the prosecution shall be conducted by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint a special prosecutor to conduct the prosecution in behalf of the state. The prosecutor shall be independent of the attorney general and need not be a state employe at the time of his appointment.

(3) (a) If a successful candidate for public office, other than a candidate for the legislature or U.S. congress, is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his candidacy, the court shall after entering judgment enter a supplemental judgment declaring a forfeiture of the candidate's right to office. The supplemental judgment shall be transmitted to the officer or agency authorized to issue the certificate of nomination or election to the office for which the person convicted is a candidate. If his term has not yet begun, the candidate shall not thereafter succeed to office. If his term has begun, the office shall become vacant. The office shall then be filled in the manner provided by law.

(b) If a successful candidate for the legislature or U.S. congress is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his candidacy, the court shall after entering judgment certify its findings to the presiding officer of the legislative body to which the candidate was elected.

History: 1973 c. 334.

11.64 Defense fund authorized. (1) Any candidate or public official who is charged with or being investigated for a violation of this chapter or ch. 12, or whose agent is so charged or investigated, may establish a defense fund for legal expenses, costs, fees and payments supporting agents or dependents of accused or convicted persons.

(2) No person may utilize a contribution received from a contributor to a campaign fund for a purpose under sub. (1) unless the authorization of the contributor is obtained. Notwithstanding s. 11.25, any contributor may authorize the transfer of all or part of a contribution from a campaign fund to a defense fund.

History: 1973 c. 334.

11.66 Elector may compel compliance.

The board or any elector may sue for injunctive relief to compel compliance with this chapter. No bond is required where the board commences action. Before commencing any action concerning a state or national office or statewide referendum, an elector shall file a verified petition with the board alleging such facts as are within his knowledge to show probable cause that a violation has occurred or is occurring. If the board fails to commence action within 10 days of the filing of such petition, the elector may commence action. Separate from any other bond

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which may be required by the court, the elector shall be required to post a surety bond in an amount determined by the court sufficient to cover the actual costs, including reasonable

attorney's fees, of both parties. If the elector's action is not successful, he shall pay the costs of the action.

History: 1973 c. 334.