

ORDER OF THE
STATE ELECTIONS BOARD
ADOPTING RULES

Pursuant to the authority vested in the state elections board by sections 11.06 (1), 11.12 (5), 11.22 (2) (e), 11.23 (5), 227.014 and 227.08, Wis., Stats., the board hereby adopts rules as follows:

Chapter E1Bd 1 of the WISCONSIN ADMINISTRATIVE CODE is adopted to read:

CHAPTER 1

CAMPAIGN FINANCING

1.02 FILING OFFICER DEFINED. The definition given under section 11.01 (7), Wis. Stats., is applied as follows:

(1) The "filing officer" for each candidate for state office and for each committee which or individual who is acting in support of or in opposition to any candidate for state office is the elections board.

(2) The "filing officer" for each candidate for local office and for each committee which or individual who is acting in support of or in opposition to any candidate for local office, but not any candidate for state office, is the clerk of the most populous jurisdiction for which any candidate who is supported or opposed seeks office.

(3) The "filing officer" for each group which or individual who is acting in support of or in opposition to any statewide referendum is the elections board.

(4) The "filing officer" for each group which or individual who is acting in support of or in opposition to any local referendum, but not any statewide referendum, is the clerk of the most populous jurisdiction in which any referendum being supported or opposed is conducted.

(5) If the jurisdiction under sub. (2) or (4) is a school district, the appropriate clerk is the city clerk in the case of a city school district. In the case of any other school district, the appropriate clerk is the school district clerk.

1.03 DUPLICATE FILING REQUIREMENTS. Section 11.09, Wis. Stats., is applied as follows:

(1) Every financial report of a candidate for U. S. representa-

tive, state senator, representative to the assembly and circuit judge, and every report of a voluntary committee or individual under section 11.06 (7), Wis. Stats., which is acting in support of or in opposition to such a candidate shall be filed in the manner specified in this section.

(2) If a candidate under sub. (1) seeks election or nomination from a district which is wholly contained within one county, he shall file a duplicate original of his financial report with the county clerk of the county in which his district is contained no later than the dates specified by law for filing of each report with the elections board. This subsection does not apply to candidates for U. S. representative or to committees or individuals exclusively supporting such candidates.

(3) If a candidate under sub. (1) seeks nomination or election from a district which is located in more than one county, the executive secretary of the board shall transmit within 48 hours after receipt a certified duplicate copy of each financial report of such candidate to the county clerk of each county any part of which is contained in the district of the candidate.

(4) Every financial report of a voluntary committee or individual acting in support of or in opposition to a candidate under sub. (1) shall be filed in accordance with sub. (2) if the candidate who is supported or opposed seeks office from a district which is wholly contained within one county. Every financial report of a voluntary committee or individual acting in support of or in opposition to a candidate under sub. (1) shall be filed by the executive secretary in accordance with sub. (3) if the candidate who is supported or opposed seeks office from a district which is located in more than one county.

(5) The executive secretary shall also transmit within 48 hours after receipt a certified duplicate copy of each financial report of a candidate for U. S. representative under the federal election campaign act to the county clerk of each county any part of which is contained in the district of the candidate.

(6) In every case where a duplicate report is filed by the board or by any person as required by section 11.09, Wis. Stats., the executive secretary of the board shall transmit a certified duplicate copy of the registration statement to each county clerk with whom a duplicate report is filed.

(7) The executive secretary of the board shall promptly after each apportionment of congressional and legislative districts and judicial circuits transmit to all county clerks and make available a

list of districts and circuits affected by this section, categorized according to responsibility for filing duplicate reports.

1.04 REGISTRATION STATEMENTS BY CANDIDATES. (1) A verified registration statement containing the information required by section 11.05 (3), Wis. Stats., where such information is applicable, shall be filed by every candidate or by his campaign treasurer on his behalf. Such registration shall be made upon a form prescribed by the board.

(2) The statement of each candidate shall include the name and address of the campaign treasurer and campaign depository, unless a candidate has received no contribution or made no disbursement at the time of registration. In such case, a treasurer shall be appointed and the depository shall be designated before a candidate receives any contribution or makes any disbursement. The appropriate filing officer shall be informed in writing under section 11.05 (5), Wis. Stats., within 10 days of such appointment or designation.

(3) No candidate or campaign treasurer of a candidate may make any contribution or disbursement from funds or property acquired prior to the date of registration in accordance with section 11.05 (3), Wis. Stats.

(4) Section 11.05 (2), Wis. Stats. applies only to registration by an individual other than a candidate. Sections 11.10 (1) and 11.22 (1) (a), Wis. Stats., apply to registration by a candidate or his campaign treasurer on his behalf.

1.05 RECORDS OF CONTRIBUTION RECEIPTS. Records maintained by every individual or treasurer in accordance with sections 11.12 (3), 11.22 (2) (c) and 11.23 (3), Wis. Stats., shall include the date of receipt of each contribution by such individual or treasurer.

1.10 REPORTING BY NONRESIDENT COMMITTEES AND GROUPS. Every nonresident committee or group as defined in section 11.07 (6), Wis. Stats., acting in support of or in opposition to any candidate for state or local office, which makes or accepts contributions, incurs obligations or makes disbursements exceeding \$25 cumulatively in a calendar year within this state shall register both with the appropriate filing officer under section 11.05 (1), Wis. Stats., and with the Secretary of State under section 11.07 (1), Wis. Stats.

1.105 CONTRIBUTOR REPORTS BY NATIONAL PARTY COMMITTEES. For purposes of section 11.08 (2), Wis. Stats., a committee of a political party does not include a national organization or other national committee of a political party.

1.11 REPORTING DATES FOR POLITICAL PARTY COMMITTEES. (1) Election reports by political party committees not supporting or opposing any candidate for national office and by all such committees other than state or congressional district committees shall be received by the board on the dates specified under section 11.20 (3), Wis. Stats.

(2) Election reports by political party committees supporting or opposing any candidate for national office shall be received by the board on the dates specified under section 11.20 (4), Wis. Stats.

(3) Continuing reports by political party committees not supporting or opposing any candidate for national office and by all such committees other than state or congressional district committees shall be received by the board on the dates specified under section 11.20 (5), Wis. Stats.

(4) Continuing reports by political party committees supporting or opposing any candidate for national office shall be received by the board on the dates specified under section 11.20 (6), Wis. Stats.

(5) For purposes of compliance with section 11.08 (2), Wis. Stats. a political party committee which reports on federal reporting dates under subs. (2) and (4) shall file reports of contributions on the dates specified under section 11.20 (6), and 11.20 (4), Wis. Stats., in the case of the September primary and general election.

(6) Currency of reports by political party committees shall be in accordance with the specifications in section 11.20 (8), Wis. Stats.

1.14 REFERENDUM REPORTING THRESHOLD. Section 11.23 (1), Wis. Stats., grants the same exemption granted by section 11.05 (1) and (2), Wis. Stats. Any group which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount of \$25 or less and any individual who accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount of \$25 or less in support of or in opposition to any referendum need not file a registration statement under section 11.05, Wis. Stats. and financial reports under section 11.06 (1), Wis. Stats.

1.20 DISBURSEMENT LIMITATION SALARY BASIS. In computing the authorized disbursement limitation under section 11.31 (1) (j), Wis. Stats., the term "annual salary" means the salary to which a candidate would, if elected, be entitled during the first year of his incumbency.

SECTION 2. Chapter ElBd 2 of the WISCONSIN ADMINISTRATIVE CODE is adopted to read:

CHAPTER 2

NOMINATIONS AND PRIMARIES

2.05 NOMINATION PAPER SUFFICIENCY. (1) Any information which appears on the face of a nomination paper is entitled to a presumption of validity by the board.

(2) Where any required item of information on a nomination paper is incomplete as to a portion thereof the board will accept the information as complete if there has been substantial compliance with the law.

(3) Where it is alleged that the signer or circulator of a nomination paper does not reside within the district in which the candidate being nominated seeks office, the board will attempt to ascertain the geographical location of an address indicated on the face of a nomination paper by consulting with the appropriate postmaster or other public official.

2.10 PARTY NOMINATIONS BY WRITE-IN VOTE. (1) Where the boundaries of a district in which the candidate of a political party seeks office have been changed since the most recent gubernatorial election such that it is not possible to calculate the exact percentage of write-in votes, under section 8.16 (1), Wis. Stats., which are needed by that candidate to become the nominee of the party, the procedure specified in this section applies.

(2) The number of votes cast for a political party's nominee for governor at the last general election in each recorded geographical unit which is wholly contained within the boundaries of the newly formed district shall be calculated.

(3) If a candidate of a political party in a newly formed district does not obtain 5% of the number of votes calculated under sub. (2), he shall not appear on the ballot as the candidate of that party for the office sought.

(4) For purposes of the percentage requirement imposed under section 8.16 (1), Wis. Stats., if the candidate of a political party receives 5% of the number of votes calculated under sub. (2), he is deemed to have satisfied the statutory requirement for ballot placement.

2.12 VACANCIES AFTER NOMINATION. (1) Whenever a vacancy occurs after a primary in a partisan election, such vacancy may be filled by the political party committee recognized by the national organization as defined in section 5.01 (12), Wis. Stats., as provided below:

(a) A vacancy in the position of candidate for party committeeman shall be filled by the county committee.

(b) In counties having a population of 500,000 or more, a vacancy in the position of party candidate for state representative to the assembly shall be filled by the senatorial district committee.

(c) In every other case, a vacancy in the position of party candidate for any national, state or local office shall be filled by the state committee.

(2) Whenever the committee under sub. (1) (a) or (b) does not exist, the vacancy may be filled by the state committee.

SECTION 3. Chapter E1Bd 5 of the WISCONSIN ADMINISTRATIVE CODE is adopted to read:

CHAPTER 5
POLITICAL PARTIES

5.05 LOCAL POLITICAL PARTY POWERS AND DUTIES. Committees of a political party which are created under section 8.17 (5) and (6), Wis. Stats., are organized for the purposes of carrying forth statutory responsibilities and shall have only those powers and duties assigned to political party committees under chapters 5 to 8, Wis. Stats., unless otherwise determined by the state committee. Party officers and members of committees under section 8.17 (5) and (6), Wis. Stats. shall have only those powers and duties provided by chapters 5 to 8, Wis. Stats., unless otherwise determined by the state committee.

5.06 NONSTATUTORY COMMITTEES NOT EXCLUDED. Section 8.17 (5) and (6), Wis. Stats. shall not be construed to preclude organization by any political party committees of volunteers having concurrent geographic jurisdiction with statutory committees under that section. A political party committee of volunteers shall have such duties and responsibilities not already assigned by chapters 5 to 8, Wis. Stats. which may be designated by the state committee of such party.

SECTION 4. Chapter E1Bd 6 of the WISCONSIN ADMINISTRATIVE CODE is adopted to read:

CHAPTER 6
PROCEDURE

6.02 REGISTRATION STATEMENT SUFFICIENCY. (1) Any registration filed with a filing officer under section 11.05, Wis. Stats., which is insufficient as to essential form, information or attestation shall be rejected by such officer and shall be promptly returned if possible to the proposed registrant indicating the nature of the insufficiency. The proposed registrant shall be informed that the attempted registration is not effective.

(2) Any registration statement filed with a filing officer under

section 11.05, Wis. Stats., which is insufficient or incomplete in some manner but substantially complies with law shall be accepted by such officer who shall then promptly notify the registrant indicating the nature of the incompleteness or insufficiency. The registrant shall then have 15 days from the date of such notice to rectify the problem. If the incompleteness or insufficiency is not rectified by the registrant within 15 days from the date of the notice, the registration lapses and is not effective.

6.05 RECEIPT OF FINANCIAL REPORT. (1) Where a requirement is imposed under chapter 11, Wis. Stats., for the filing of a financial report which is to be received by a filing officer no later than a certain date, the requirement may be satisfied either by actual receipt of the report by the prescribed time for filing at the appropriate filing office, or by filing a report with the United States Postal Service by certified mail, addressed to the appropriate filing officer no later than the time provided by law for receipt of such report.

(2) In any case where the United States Postal Service is employed by a person subject to a filing requirement as the agent for transmittal of a report, the burden is upon such person to show that a report has been filed with the United States Postal Service.

(3) A return receipt signed by the appropriate filing officer or his agent constitutes proof of receipt by the officer.

SECTION 5. Chapter 11.05 of the WISCONSIN ADMINISTRATIVE CODE is adopted to read:

CHAPTER 8

FORMS

8.01 FORMS PRESCRIBED BY RULE. Certified copies of forms prescribed under this chapter are filed with the secretary of state and the revisor of statutes. A copy of each form is also available from the state elections board, 1 West Wilson Street, Madison, Wisconsin 53702.


8.03 SPECIAL REPORT OF LATE CONTRIBUTION. (1) Candidate for state office or committee supporting or opposing such candidate and group or individual supporting or opposing statewide referendum.

(2) Candidate for local office or committee supporting or opposing such candidate and group or individual supporting or opposing local referendum.

The rules contained herein shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

DATED: October 29, 1974

STATE ELECTIONS BOARD



Charles L. Goldberg, Chairman

**SPECIAL REPORT OF LATE CONTRIBUTION OF CANDIDATE FOR LOCAL OFFICE
OR COMMITTEE SUPPORTING OR OPPOSING SUCH CANDIDATE
AND GROUP OR INDIVIDUAL SUPPORTING OR OPPOSING LOCAL REFERENDUM**

STATE OF WISCONSIN
ELECTIONS BOARD

S. 11.22(2) (e) and 11.23(6), Wisconsin Statutes
EB-5L

This report must be filed within 24 hours of the receipt of any contribution of more than \$500 cumulatively from a single contributor which is received later than 11 days prior to a primary or election.

Contributions reportable on this form cumulate beginning with the day after the last date covered on the pre-primary or pre-election report up to and including the day before the primary or election. Sunday and any legal holiday may be excluded in computing the time period for mailing.

This report must be made by any candidate for local or committee supporting or opposing such a candidate (including political party committees) and by any group or individual supporting or opposing a local referendum.

**SUBMIT THIS REPORT TO CLERK OF THE GOVERNMENTAL UNIT IN WHICH THE ELECTION IS HELD.
(IN MILWAUKEE COUNTY SUBMIT TO BOARD OF ELECTION COMMISSIONERS)**

Registrant Name	Registrant Mailing Address
Name of Candidate Being Supported or Opposed	Office Sought
Nature of referendum Supported or Opposed	
Full Name of Contributor	Contributor Street Address
If Individual, Occupation of Contributor	Principal Place of Employment
Amount or Fair Market Value of Contribution	
Cumulative since last report \$ _____	Cumulative within calendar year \$ _____

I hereby certify that this report is complete, true, and correct to the best of my knowledge and belief.

Full Name of Treasurer or Candidate	Signature	Date
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