

CR 84-175

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CERTIFICATE

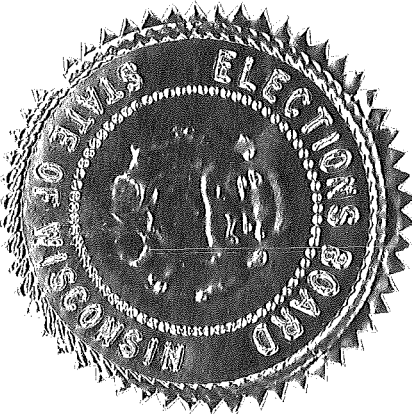
FEB 18 1985  
10:55 AM  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
  )ss.  
Elections Board        )

I, Kevin J. Kennedy, executive secretary of the State Elections Board and custodian of the official records, do hereby certify that the annexed rule relating to independent expenditures for a candidate for election to public office was duly adopted by this board on February 18, 1985.

I further certify that this copy has been compared by me with the original on file on this board and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Elections Board at 125 South Webster Street, in the City of Madison, on February 18, 1985.



*Kevin J. Kennedy*  
\_\_\_\_\_  
KEVIN J. KENNEDY  
Executive Secretary

ORDER  
OF THE  
ELECTIONS BOARD

Relating to the requirements of every individual and every committee other than a personal campaign committee that wants to make disbursements or incur obligations during a calendar year to advocate the support or defeat of a specific candidate or specific candidates to file a voluntary oath before making such disbursements or incurring such obligations.

Pursuant to the authority vested in the state of Wisconsin elections board by s. 227.014 (2)(a), Stats., the elections board hereby amends its rule interpreting s. 11.06 (7), Stats., as follows:

EL.BD. 1.42 VOLUNTARY COMMITTEES; SCOPE OF VOLUNTARY OATH; RESTRICTIONS ON VOLUNTARY COMMITTEES. (1) NECESSITY OF VOLUNTARY OATH FOR INDEPENDENT CANDIDATE-RELATED ACTIVITIES. No expenditure may be made or obligation incurred over \$25 in support of or opposition to a specific candidate unless such expenditure or obligation is treated and reported as a contribution to the candidate or his the candidate's opponent, or is made or incurred by or through an individual or committee filing the voluntary oath provided specified in s. 11.06 (7), Stats.

(2) SCOPE OF VOLUNTARY OATH. A committee or individual filing the voluntary oath may make expenditures or incur obligations in support of or opposition to ~~candidates with the encouragement, direction or control of the candidate or an opponent, or any authorized committee or agent of such committee, candidate or opponent~~ a candidate if the expenditures are made or obligations incurred are made in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed, so long as such the expenditures or obligations is are treated and reported as a contribution to the such candidates or opponent. A committee or individual filing the voluntary oath is prohibited from making expenditures in support of or opposition to a candidate ~~with the encouragement, direction or control of the candidate or an opponent, or any authorized committee or agent of such committee, candidate or opponent, if such expenditure is not reported as a contribution to such candidate or opponent~~ if the expenditures or incurred obligations are made in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed, and the expenditures or obligations are not reported as a contribution to such candidate.

(3) TREATMENT AND REPORTING OF INDEPENDENT ACTIVITY BY VOLUNTARY COMMITTEE. When a committee or individual filing the voluntary oath makes an expenditure or incurs an obligation in support of or in opposition to a candidate without the encouragement, direction or control of the candidate or an opponent, or any authorized committee or agent of such committee, candidate or opponent, the expenditure should and the individual or committee does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed, the expenditure or incurred obligation shall be treated and reported as a "an "independent disbursement" or "independent incurred obligation". ~~When such committee or individual incurs an obligation in support of or opposition to a candidate with the encouragement, direction or control of the candidate or an opponent, or any authorized committee or agent of such committee, candidate or opponent, the obligation should be treated and reported only as an "obligation incurred".~~ When such disbursements or obligations are reported, the candidate in whose support or opposition the disbursement is made or obligation incurred should be identified on a separate schedule (EB-9) giving the name and address of the candidate, the amount, the date, and the purpose of the disbursement and an indication whether the candidate is supported or opposed.

(4) AN INDIVIDUAL OR COMMITTEE MAY MAKE BOTH DIRECT CONTRIBUTIONS AND INDEPENDENT EXPENDITURES. An individual or a committee filing the voluntary oath may make both direct contributions, and independent expenditures on behalf of a candidate in support or opposition to a candidate as long as the direct contributions are within the contribution limits set out in s. 11.26, Stats., and the individual or committee making the independent expenditure does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed.

~~(4)~~ (5) SPECIAL DISCLAIMER REQUIREMENT. A political message in support of or opposition to a candidate by a committee or individual ~~acting without the encouragement, direction or control of the candidate or an opponent must not acting in cooperation or consultation~~ with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed shall contain, in addition to the ordinary identification required by s. 11.30 (2), Stats., the words: "The committee (individual) is the sole source of this communication

~~and it is made without the encouragement, direction or control of a candidate being supported or opposed, or other language of the same effect the committee (individual) did not act in cooperation or consultation with, in concert with, or at the request or suggestion of any candidate or any agent or authorized committee of a candidate who is supported or opposed by this communication" or other language of the same effect.~~

(6) GUIDELINES. (a) Any expenditure made on behalf of a candidate will be presumed to be made in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed and treated as an in-kind contribution if:

1. It is made as a result of a decision in which any of the following persons take part:

a. A person who is authorized to raise funds for, to spend the campaign funds of or to incur obligations for the candidate's personal campaign committee;

b. An officer of the candidate's personal campaign committee;

c. A campaign worker who is reimbursed for his expenses or compensated for his work by the candidate's personal campaign committee;

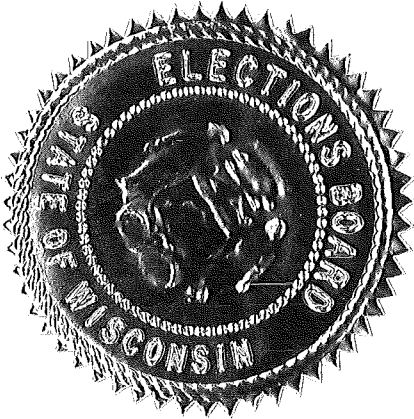
d. A volunteer who is operating in a position within a campaign organization that would make the person aware of campaign needs and useful expenditures; or

2. It is made to finance the distribution of any campaign materials prepared by the candidate's personal campaign committee or agents;

(b) The presumption in par.(a) may be rebutted by countervailing evidence that the expenditure is not made in cooperation or consultation with any candidate or agent or any authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed.

These rules will take effect on the first day of the month following its publication.

Dated: February 18, 1985



/s/ Kevin J. Kennedy  
Kevin J. Kennedy  
Executive Secretary  
State Elections Board



State of Wisconsin \ ELECTIONS BOARD

125 SOUTH WEBSTER STREET  
MADISON, WISCONSIN 53702  
(608) 266-8005

John Niebler  
Chairman

Kevin J. Kennedy  
Executive Secretary

February 18, 1985

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FEB 18 1985

Revisor of Statutes  
Bureau

Mr. Gary L. Poulson  
Assistant Revisor  
Revisor of Statutes Bureau  
411 West, State Capitol  
Madison, WI 53702

Dear Mr. Poulson:

This letter informs you that the assembly took no action within 30 days after receiving El.Bd. 1.42, Wis. Adm. Code, the proposed permanent rule about independent expenditures of a candidate for election to public office, and the senate approved the rule after a hearing on February 14, 1985. In the light of this action, Kevin J. Kennedy, executive secretary of the Elections Board, recently issued the order to adopt these rules.

The original and a copy of Mr. Kennedy's orders are enclosed. Please publish them at your earliest convenience to become effective April 1, 1985.

If you have any questions, please call me.

Thank you for your cooperation.

Sincerely,

STATE ELECTIONS BOARD

Kevin B. Cronin  
Legal Counsel

Encs.