

ORDER

OF THE

STATE ELECTIONS BOARD

To repeal and recreate ElBd 1.26 (3), (4), and (5); and to create ElBd 1.26 (6) relating to the return of contributions to contributors.

Analysis Prepared by State Elections Board

This rule interprets ss. 11.06 (4)(b), and 11.14 (1), Stats., that require candidates to report all contributions that are deposited into the campaign depository. This rule clarifies that contributions which are returned to the contributor before they are deposited within 10 days of receipt are not required to be reported and that the contributions which are deposited are required to be reported and how they must be reported.

Pursuant to the authority vested in the state of Wisconsin elections board by s. 227.014 (2)(a), Stats., the elections board hereby repeals and recreates its rule interpreting ss. 11.06 (4)(b), and 11.14 (1), Stats., and creates ElBd 1.26 (6) interpreting ss. 11.06 (4)(b) and 11.14 (1), Stats., as follows:

SECTION 1. ElBd 1.26 (3), (4), and (5), are repealed and recreated to read:

(3) A candidate who applies for a grant from the Wisconsin election campaign fund and who returns a contribution that was deposited into the campaign depository shall report the returned contribution on either the Wisconsin election campaign fund campaign finance report, Form EB-24, or the campaign finance report, Form EB-2. The candidate shall make the report on the form that is due for the period when the contribution was returned. When the candidate reports on Form EB-24, the candidate shall report the returned contributions on both Schedule 2-A, DISBURSEMENTS, Schedule 2-D, EXCLUSIONS FROM SPENDING LIMITS, and Schedule 3-A, ADDITIONAL DISCLOSURE as a returned contribution. When the candidate reports on Form 2-A, the candidate shall report the returned contribution on both Schedule 2-A, DISBURSEMENTS, and Schedule 3-A, ADDITIONAL DISCLOSURE, as a returned contribution.

(4) Any registrant and candidate who does not apply for a grant from the Wisconsin election campaign fund who returns a contribution that was deposited into the campaign depository shall report the returned contribution on the campaign finance report, Form EB-2, that is due for the period when the contribution was returned. The candidate shall report the returned contribution on both Schedule 2-A, DISBURSEMENTS, and Schedule 3-A, ADDITIONAL DISCLOSURE, as a returned contribution.


(5) Any registrant and candidate who returns a contribution that is not deposited into the campaign depository within 10 days of receipt is not required to report the returned, unaccepted contribution on a campaign finance report.

SECTION 2. ElBd 1.26 (6) is created to read:

(6) A registrant who receives a return of contribution shall report it on the campaign finance report, Form EB-2, on Schedule 1-C, OTHER INCOME, and shall designate this as "return of contribution."

The repeal and recreation of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register pursuant to s. 227.06 (1)(intro.), Stats.

November 6, 1985



Kevin J. Kennedy
Executive Secretary
State Elections Board