



ORDER  
OF THE  
STATE ELECTIONS BOARD

86-106

To create ElBd 1.70, relating to travel reimbursements.

Analysis

This rule interprets ss.11.01(6) and 11.06, Stats., that defines in-kind contributions and requires candidates to report them on their campaign finance reports. Under this rule, an in-kind contribution includes travel expenses reimbursed to an election official or a candidate by an individual, not another election official's or candidate's personal campaign committee, by a political action committee or by a legislative campaign committee. However, an in-kind contribution does not include such expenses reimbursed from the official's or candidate's own personal campaign committee, but these travel expenses are subject to the spending limits for the campaign.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.5.05(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to create a rule interpreting ss.11.01(6) and 11.06, Stats., as follows:

SECTION 1. ElBd 1.70 is created to read:

ElBd 1.70 TRAVEL REIMBURSEMENTS. (1) A candidate for or a person elected to a state or local office does not make an in-kind contribution to another candidate for a state or local office in another district when a candidate or election official travels to the district of the other candidate for political purposes. The candidate for or person elected to state or local office may be reimbursed from his or her personal campaign committee subject to the applicable spending limits of s.11.31(2), Stats., and ElBd 1.44 and is deemed to provide nonreportable volunteer services to the candidate in the other district.

(2) If the candidate or elected official is reimbursed by another individual, personal campaign committee, political action committee, or legislative campaign committee for travel, the reimbursement is a reportable contribution to the candidate.

(3) If the candidate or elected official is an officer or employee of a legislative campaign committee who travels on committee business, the reimbursement is not a reportable contribution to the candidate or elected official, but is a reportable disbursement of the legislative campaign committee.

Initial Regulatory Flexibility Analysis

The creation of this rule does not affect business.

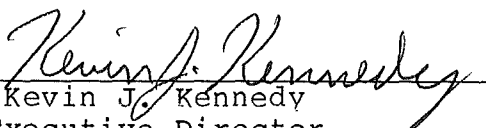
Fiscal Estimate

This creation has no fiscal effect.

Effective Date

The creation of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986

  
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Kevin J. Kennedy  
Executive Director  
State Elections Board



8-102

ORDER  
OF THE  
STATE ELECTIONS BOARD

To create ElBd 1.60, relating to consulting services.

Analysis

This rule interprets ss.11.01(6) and 11.06, Stats., that defines in-kind contributions and requires candidates to report them on their campaign finance reports. Under this rule, in-kind contributions include consulting services which consist of payments to persons who assist candidates in their election campaigns. These payments for such services which benefit candidates are reportable by the candidates as contributions based on the benefit reasonably derived with three exceptions. The first exception is the payments for consulting services as a part of independent expenditures under s.11.06(7), Stats., and ElBd 1.42 are not subject to this rule. The second exception is the payments by a political party committee for their presidential candidates are not reportable contributions under the state's campaign finance law. The third exception is the payment for the day to day general administration costs incurred by political party committees are not reportable contributions unless these costs are incurred for a clearly identified candidate and can be directly attributed to that candidate. This rule creates a rebuttable presumption that any committee except a legislative campaign committee that hires a consultant during a campaign period makes an in-kind contribution to the candidate or candidates who receive assistance from the consultant.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.5.05(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to create a rule interpreting ss.11.01(6) and 11.06, Stats., as follows:

SECTION 1. ElBd 1.60 is created to read:

ElBd 1.60 CONSULTING SERVICES. (1)(a) Expenditures for consulting services made by a candidate's committee, political action committee, or political party committee on behalf of more than one candidate shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably derived, except as provided in par (c). This rule shall not apply to independent expenditures made under s.11.06(7), Stats., and ElBd 1.42.

(b) An authorized expenditure for consulting services made by a candidate, candidate's committee, political action committee, or political party committee on behalf of another candidate shall be reported as an in-kind contribution to the candidate on whose behalf the expenditure was made, except that expenditures made by political party committees on behalf of that party's presidential candidates shall not be reportable and shall not count against that party's state or local candidates' applicable contribution limits under s.11.26(9)(a), Stats., and spending limits under s.11.31(2), Stats., and ElBd 1.44, except as provided in par. (c).

(c) Exceptions to par. (a) and (b): (1) Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other costs of political party committees, which costs are incurred in the ordinary course of its day-to-day operations, need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate.

(2) If a candidate, candidate's committee, political action committee, or political party committee, for itself or another, hires a consultant to work during a campaign period as that term is defined in s.11.25(17), Stats., the amount paid or incurred shall be presumed to be an expenditure on behalf of a candidate or candidates who receive assistance from the consultant. This presumption may be rebutted.

(3) Any expenditures for consulting services shall be valued at the fair market value of the item or services at the time of the contribution.

#### Initial Regulatory Flexibility Analysis

The creation of this rule does not affect business.

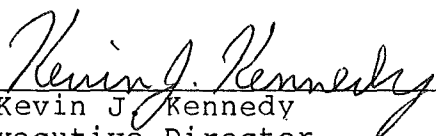
#### Fiscal Estimate

This rule has no fiscal effect.

#### Effective Date

The creation of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986

  
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Kevin J. Kennedy  
Executive Director  
State Elections Board



85-115  
86-106

ORDER  
OF THE  
STATE ELECTIONS BOARD

To create ElBd 1.385, relating to return of contributions to contributors.

Analysis

This rule interprets s.11.26, Stats., that establishes limits on contributions to a candidate for state and local office. Under this rule, these limits change for a candidate who decides during his or her campaign to run for an office with lower limits than the limits that applied when the candidate began the campaign. The decision to run for an office with lower limits reduces the contribution limits that apply to such a candidate. The applicable contribution limits are the ones that apply at the time of the primary election. Such candidate either must return to the contributor any unspent, excess contributions or donate such excess contributions to the common school fund or to a charitable organization.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.5.05(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to create a rule interpreting s.11.26, Stats., as follows:

SECTION 1. ElBd 1.385 is created to read:

El Bd 1.385 RETURN OF CONTRIBUTIONS TO CONTRIBUTORS BY CANDIDATES WHEN CANDIDATES FILE NOMINATION PAPERS FOR OFFICES THAT HAVE LOWER CONTRIBUTION LIMITS THAN THE LIMITS THAT APPLIED AT THE TIME OF THE CONTRIBUTIONS. A candidate shall be subject to the contribution limits that apply to the candidate at the time of the primary election at which the candidate's name appears on the ballot. If a candidate for any office has unspent contributions in his or her campaign depository at the time of filing nomination papers that were lawful at the time of receipt but exceeded the contribution limit that applies to the office for which the candidate is seeking nomination, the candidate shall dispose of the unspent contributions. The candidate shall either return the excess contribution to the contributor on a reasonable basis that the candidate determines or donate the excess contribution to either the common school fund or a charitable organization.



Initial Regulatory Flexibility Analysis

The creation of this rule does not affect business.


Fiscal Estimate

This creation has no fiscal effect.

Effective Date

The creation of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986

  
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Kevin J. Kennedy  
Executive Director  
State Elections Board