

NOTICE OF PROPOSED GUIDANCE DOCUMENT

CAMPAIGN FINANCE OVERVIEW – INDEPENDENT EXPENDITURE COMMITTEES

Pursuant to s. 227.112, Wis. Stats., the Wisconsin Ethics Commission is hereby seeking comment on the Campaign Finance Overview – Independent Expenditure Committees Manual, a proposed guidance document. This manual is prepared and published by the Wisconsin Ethics Commission as required by WIS. STAT. § 11.1304(3).

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Ethics Commission until August 12, 2019, by:

1. Emailing ethics@wi.gov, or
2. Mailing written comments to:
P.O. Box 7125
Madison, WI 53707-7125

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at <https://ethics.wi.gov/Pages/Resources/ResourcesOverview.aspx> to allow for ongoing comment.

AGENCY CONTACT PERSON

David P. Buerger

David.Buerger@wisconsin.gov

(608) 267-0951

CAMPAIGN FINANCE OVERVIEW

Independent Expenditure Committees



Wisconsin Ethics Commission
PO Box 7125
Madison WI 53707-7125

Phone: (608) 266-8123
E-mail: campaignfinance@wi.gov
Websites: <https://cfis.wi.gov>
<https://ethics.wi.gov>

Published: July 2019

There has been no change in campaign finance statutes since March of 2016.

This manual has been updated to include specific statutory citations and clarify basic reporting requirements for state Political Action Committees.

Provided pursuant to WIS. STAT. § 11.1304(3) and in compliance with WIS. STAT. § 227.112.

Table of Contents

REGISTRATION REQUIREMENTS	4
What is an Independent Expenditure Committee?.....	4
When is an Independent Expenditure Committee Required to Register?.....	5
Completing a Registration Statement	6
Amending a Registration Statement	6
Penalty for Not Filing a Registration Statement	6
EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS	7
Eligibility	7
Financial Records During Exemption.....	7
Revoking Exemption.....	7
FILING FEES	8
CONTRIBUTIONS AND DISBURSEMENTS.....	9
Contributions.....	9
Required Information for Contributions	10
Other Income from Businesses	10
In-Kind Contributions	10
Returned Contributions	11
Contributions Transferred through Conduits	11
Corporate Contributions.....	12
Contribution Limits.....	12
Prohibited Contributions	12
Disbursements.....	13
Required Information for Disbursements	13
Obligations and Loans	14
Required Information for Obligations	14
Required Information for Loans	14
Independent Expenditures and Coordination	15
CAMPAIGN FINANCE REPORTS	17
Types of Reports	17
How to Complete Campaign Finance Reports.....	18
Reporting Specific Express Advocacy (72-Hour Reporting)	19
No-Activity Report	19

ATTRIBUTION STATEMENTS (DISCLAIMERS)..... 21
 Formats for Disclaimers.....21
TERMINATION OF CAMPAIGN FINANCE REGISTRATION..... 23
 Disposal of Residual Funds23

REGISTRATION REQUIREMENTS

What is an Independent Expenditure Committee?

An Independent Expenditure Committee is defined as:

any person, other than an individual, or any permanent or temporary combination of 2 or more persons unrelated by marriage that satisfies any of the following:

- (a) It has the major purpose of making independent expenditures, as specified in the person's organizational or governing documents, the person's bylaws, resolutions of the person's governing body, or registration statements filed by the person under this chapter; or
- (b) It uses more than 50 percent of its total spending in a 12-month period on independent expenditures and expenditures made to support or defeat a referendum. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.

[Wis. Stat. § 11.0101\(17\).](#)

An independent expenditure is defined as:

an expenditure for express advocacy by a person, if the expenditure is not made in coordination with a candidate, candidate committee, candidate's agent, legislative campaign committee, or political party, as prohibited under s. [11.1203](#).

[Wis. Stat. § 11.0101\(16\).](#)

The express advocacy requirement is defined as:

(11) "Express advocacy" means a communication that contains terms such as the following with reference to a clearly identified candidate and that unambiguously relates to the election or defeat of that candidate:

- (a) "Vote for;"
- (b) "Elect;"
- (c) "Support;"
- (d) "Cast your ballot for;"
- (e) "Smith for ... (an elective office);"
- (f) "Vote against;"
- (g) "Defeat;"
- (h) "Reject;" or
- (i) "Cast your ballot against".

[Wis. Stat. § 11.0101\(11\).](#)

When is an Independent Expenditure Committee Required to Register?

Under [WIS. STAT. § 11.0602](#), a new independent expenditure committee must register within 10 business days of exceeding the threshold of \$2,500 of activity in a calendar year.

All independent expenditure committees must register with the Wisconsin Ethics Commission. [WIS. STAT. § 11.0102\(1\)\(a\)4m](#). Independent expenditure committees register online at <http://cfis.wi.gov>. To complete the committee registration you must print the form and send a signed copy to the Wisconsin Ethics Commission either electronically or by mail. When the signed registration statement is received, the Commission will activate the independent expenditure committee on CFIS.

After the registration statement has been filed and the committee has been activated, an independent expenditure committee may resume making disbursements and incurring obligations. [WIS. STAT. § 11.0602\(2\)](#). The committee's financial activities must be reported on campaign finance reports (ETHCF-2S, 2SE, 2SU or 2NA), unless the committee has claimed an exemption from filing finance reports. These reports will disclose information on the receipts, expenditures, incurred obligations and loans of the committee.

It is important to note that some entities not required to register as independent expenditure committees (individuals, or groups that spend less than 50% of their funds on independent expenditures) are still required to report spending on disbursements made for the purpose of express advocacy if they spend more than \$2,500 within 60 days of a primary or election. [WIS. STAT. § 11.1001](#). See the "[Reporting Specific Express Advocacy \(72-Hour Reporting\)](#)" section for more details.

Completing a Registration Statement

Registration statements are completed electronically using the Campaign Finance Information System (CFIS) website. The website address is <https://cfis.wi.gov>. For information about filing a registration statement, please click on the “[Need Help? Review the User’s Guide and FAQ](#)” link at the bottom of every CFIS web page.

Information required on the registration:

1. The name and mailing address of the independent expenditure committee;
2. The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form;
3. The name and address of the depository account of the independent expenditure committee and of any other institution where funds of the committee are kept; and
4. The name and address of the independent expenditure committee's sponsoring organization, if any.

[WIS. STAT. § 11.0603\(1\)](#).

A sponsoring organization is defined as an entity that establishes, administers, or financially supports a political action committee or an independent expenditure committee. [WIS. STAT. § 11.0101\(31\)](#).

Amending a Registration Statement

When any of the information reported on the registration statement (CF-1) changes, the statement must be amended by filing an amendment to the CF-1. The CF-1 must be amended and submitted to the Ethics Commission **within 10 days of the change**. Committees must update their registration statements online in CFIS. [WIS. STAT. § 11.0603\(3\)](#).

Penalty for Not Filing a Registration Statement

If a required statement or amendment is not filed on time, the registrant may be subject to a civil penalty of up to \$500 for each violation. [WIS. STAT. § 11.1400\(1\)](#).

EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS

Eligibility

Committees may be eligible for an exemption from filing campaign finance reports if the committee anticipates that it will not accept contributions, make disbursements, or incur loans and other obligations in an aggregate amount exceeding \$2,000 in a calendar year. [WIS. STAT. § 11.0104](#).

An indication of limited activity (exemption) under this section is effective only for the calendar year in which it is granted. [WIS. STAT. § 11.0104\(2\)](#). The Ethics Commission is seeking guidance from the Attorney General's office on interpreting and enforcing this statute. Pending that guidance or legislative change, the Ethics Commission is not requiring committees to renew their exemption status annually.

If a committee wishes to renew or update its exempt status, it should file an amendment to the registration statement (CF-1).

Financial Records During Exemption

When a committee is exempt, it is not required to file any campaign finance reports. [WIS. STAT. § 11.0104\(2\)](#). However, the treasurer is required to keep financial records adequate to meet the requirements of campaign finance law. Records must be kept of all contributions to the committee and of all expenditures for the previous three years. [WIS. STAT. § 11.0601\(4\)](#).

Revoking Exemption

If, at a later date, the committee expects to exceed the \$2,000 limit on contributions, disbursements, or obligations, the committee must amend its campaign registration statement by checking the box: "This registrant is no longer eligible to claim exemption," on the registration statement. An amendment to the registration statement must be filed with the Wisconsin Ethics Commission within **ten days**. [WIS. STAT. § 11.0603\(3\)\(a\)](#). The committee is then required to file campaign finance reports beginning with the next regular report due after the earlier of either the date that the amended registration was filed or the date that the committee exceeded \$2,000 in aggregate contributions, disbursements, or obligations. [WIS. STAT. § 11.0104\(3\)](#).

FILING FEES

Every independent expenditure committee whose disbursements exceed a total of \$2,500 in any calendar year must pay an annual filing fee of \$100. The payment is made to the Ethics Commission and is due no later than January 15th following the calendar year for which the fee was required. [WIS. STAT. § 11.0102\(2\)](#).

If a committee becomes subject to registration during the year, it must pay the fee when it registers. [WIS. STAT. § 11.0102\(2\)\(b\)](#). If a committee terminates during a year, and spends more than \$2,500 in that year, the registrant must pay the \$100 filing fee with its termination request. [WIS. STAT. § 11.0105\(2\)](#).

Any committee required to pay the filing fee that fails to do so within the time prescribed will be referred to the Commission for further action. The statutes provide for a forfeiture of \$500 plus three times the filing fee (\$300), or \$800 total. [WIS. STAT. § 11.1400\(4\)](#).

CONTRIBUTIONS AND DISBURSEMENTS

Independent expenditure committees are required to make full reports of all contributions, disbursements, and obligations received, made and incurred by the committee. Each report needs to include information covering the period since the last date covered on the previous report. [WIS. STAT. § 11.0604\(1\)\(a\)](#).

Contributions

“Contribution” means any of the following:

1. A gift, subscription, loan, advance, or transfer of money to a committee;
2. With the committee's consent under [WIS. STAT. § 11.1109](#), a transfer of tangible personal property or services to a committee, valued as provided under [WIS. STAT. § 11.1105](#);
3. A transfer of funds between committees; or
4. The purchase of a ticket for a fundraising event for a committee regardless of whether the ticket is used to attend the event.

[WIS. STAT. § 11.0101\(8\)\(a\)](#).

“Contribution” does not include any of the following:

1. Services that an individual provides to a committee, if the individual is not specifically compensated for providing the services to the committee;
2. Any unreimbursed travel expenses that an individual incurs to volunteer his or her personal services to a committee;
3. The costs of preparing and transmitting personal correspondence;
4. Interest earned on an interest-bearing account;
5. Rebates or awards earned in connection with the use of a debit or credit card;
6. A loan from a commercial lending institution that the institution makes in its ordinary course of business;
7. The reuse of surplus materials or the use of unused surplus materials acquired in connection with a previous campaign for or against the same candidate, political party, or recall if the materials were previously reported as a contribution;
8. The cost of invitations, food, and beverages in connection with an event held in a private residence on behalf of a candidate committee;
9. Any communication that does not expressly advocate for the election or defeat of a clearly identified candidate;
10. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization;
11. Any cost incurred to conduct Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those

- services, including the cost or value of any computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual;
12. Any news story, commentary, or editorial by a broadcasting stations, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears; or
 13. An expenditure of funds by a sponsoring organization for an independent expenditure committee's administrative or solicitation expenses.

[WIS. STAT. § 11.0101\(8\)\(b\)](#).

Required Information for Contributions

1. The date, full name, and street address of each person who has made a contribution to the independent expenditure committee, together with the amount of the contribution. [WIS. STAT. § 11.0604\(1\)\(a\)1](#).
2. The occupation, if any, of each individual contributor whose cumulative contributions to the independent expenditure committee for the calendar year are in excess of \$200. [WIS. STAT. § 11.0604\(1\)\(a\)3](#).
3. An itemized statement of each contribution made anonymously to the independent expenditure committee. If the contribution exceeds \$10, the independent expenditure committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization and shall include the full name and mailing address of the donee. [WIS. STAT. § 11.0604\(1\)\(a\)4](#).
4. A statement of totals during the reporting period of contributions received and contributions donated. [WIS. STAT. § 11.0604\(1\)\(a\)5](#).

Other Income from Businesses

Occasionally, a committee may receive other income, like interest on a savings or checking account, or a refund of a security deposit, from a business. This other income is not a contribution and may be accepted from any type of business. [WIS. STAT. § 11.0101\(8\)\(b\)](#). The income should be reported as "Other Income," in campaign finance reports. [WIS. STAT. § 11.0604\(1\)\(a\)10](#).

In-Kind Contributions

An in-kind contribution is any good, service, or property offered to the committee free of charge or at less than the usual cost, or payment of a registrant's obligations for such goods, services or property. [WIS. STAT. § 11.0101\(8\)\(a\)2](#). For example, if a volunteer purchases stamps that are used for a mailing and is not reimbursed for the cost of the stamps, the value of the stamps is an in-kind contribution to the independent expenditure committee from that volunteer. When an individual is paid to work on behalf of an independent expenditure committee by another committee or some other person, the payment for those services is an in-kind contribution to the independent

expenditure committee that benefits from the work. If a person or another committee offers to provide food and beverages for a fundraiser at less than the ordinary market price, the difference between the ordinary market price and the cost to the independent expenditure committee is an in-kind contribution from the person or committee.

Before making an in-kind contribution to a committee, the contributor is required to notify an authorized person and obtain either oral or written consent to the in-kind contribution. [WIS. STAT. § 11.1109](#). If the contributor does not know the actual value of the in-kind contribution, a good faith and reasonable estimate of the fair market value should be provided. [WIS. ADMIN. CODE ETH 1.20\(5\)](#).

Reporting In-Kind Contributions in CFIS

An in-kind contribution received by the independent expenditure committee is reported as **both a receipt and expenditure**. This procedure allows the committee to disclose the receipt of the contribution on its campaign finance report along with cash contributions received. Then, in order to keep the committee's cash balance accurate, the amount of the in-kind is reported as an expenditure. The two entries offset each other and do not affect the cash balance.

If an estimate of the value of an in-kind contribution is the only value available at the time the committee is required to file a report, the committee must report the estimated value of the contribution. [WIS. ADMIN. CODE ETH 1.20\(7\)](#). When the actual value of the estimated in-kind contribution is known, the actual amount is reported as a contribution and an expenditure by amending the campaign finance report which the in-kind contribution was originally reported in. [Id.](#)

Returned Contributions

A committee may return a contribution at any time before or after it has been deposited. [WIS. STAT. § 11.1110\(1\)](#). Any contribution a committee returns to the donor after depositing it in the campaign account must be reported as a returned contribution to the contributor. A committee that accepts an unlawful contribution, reports that contribution, and returns that contribution within 15 days of the filing date for that report, does not violate the contribution or source limits. [WIS. STAT. § 11.1110\(2\)\(b\)](#).

Contributions Transferred through Conduits

A conduit is any individual, committee or group that receives contributions from individuals, deposits those contributions in a financial institution, and then transfers the contributions to a candidate or political committee selected by the original contributor. [WIS. STAT. § 11.0101\(7\)](#). The conduit may not exercise any discretion over the amount or ultimate recipient of the contributions. [WIS. STAT. § 11.0701\(3\)](#). Conduits are required to register with the Ethics Commission. [WIS. STAT. § 11.0702](#).

Reporting Conduit Contributions in CFIS

Conduits are required to provide a transmittal letter with contribution checks sent to a receiving committee. The transmittal letter must identify the organization as a conduit, and list the individual contributors, the amount of each individual's contribution, and the date the individual authorized the contribution. [WIS. STAT. § 11.0704\(1\)](#).

Contributions transferred through conduits are reported as contributions received from the individuals listed in the transmittal letter. [WIS. STAT. § 11.1106\(2\)](#). These contributions are reported under the individual's name. [WIS. STAT. § 11.1106\(1\)](#). They are subject to itemization on the same basis as other individual contributions. [WIS. STAT. § 11.0604\(1\)\(a\)](#).

Corporate Contributions

Unlike other registered committees, independent expenditure committees **may** receive contributions from corporations, cooperatives, associations, unions, and American Indian Tribes. [WIS. STAT. § 11.1112](#).

Contribution Limits

Unlike other registered committees, there are no contribution limits on donations to independent expenditure committees. [WIS. STAT. § 11.1104\(13\)](#).

Prohibited Contributions

Certain contributions are prohibited by Wisconsin law. An independent expenditure committee may not accept the following types of contributions:

1. Anonymous contributions of more than \$10 ([WIS. STAT. § 11.1108](#));
2. Contributions in cash of more than \$100 ([WIS. STAT. § 11.1107](#));
3. Contributions given in the name of someone other than the contributor ([WIS. STAT. § 11.1204\(1\)](#)); or
4. Contributions from foreign nationals ([WIS. STAT. § 11.1208\(4\)](#)).

An independent expenditure committee should monitor contributions carefully. If the committee is aware that a contribution was potentially one which is prohibited under Wisconsin law, the committee should ensure that the contribution is lawful. [WIS. STAT. § 11.1204\(3\)](#). It is recommended that a committee not accept any contributions if the committee cannot determine whether the contribution is lawful.

Disbursements

“Disbursement” means any of the following:

1. An expenditure by a committee from the committee's depository account;
2. The transfer of tangible personal property or services by a committee;
3. A transfer of funds between committees; or
4. The purchase of a ticket for a fundraising event for a committee regardless of whether the ticket is used to attend the event.

[WIS. STAT. § 11.0101\(10\)\(a\).](#)

“Disbursement” does not include any of the following:

1. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting or aiding the organization;
2. A communication or Internet activity by an individual acting in his or her own behalf, or acting on behalf of another person if the individual is not compensated specifically for those services, including the cost or value of computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual;
3. Any news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears;
4. A nominal fee paid for a communication to the general public;
5. An expenditure of funds by a sponsoring organization for an independent expenditure committee's administrative or solicitation expenses; or
6. An expenditure of funds for an independent expenditure committee's fundraising and administrative expenses.

[WIS. STAT. § 11.0101\(10\)\(b\).](#)

Required Information for Disbursements

1. The date, full name, and street address of each committee to which the independent expenditure committee has made a contribution, together with the amount of the contribution. [WIS. STAT. § 11.0604\(1\)\(a\)2.](#)
2. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made. [WIS. STAT. § 11.0604\(1\)\(a\)8.](#)

3. A statement of totals during the reporting period of disbursements made. [WIS. STAT. § 11.0604\(1\)\(a\)10.](#)

Obligations and Loans

Independent expenditure committees are required to make full reports of all obligations received, made and incurred by the committee. The committee needs to include in each report information covering the period since the last date covered on the previous report. [WIS. STAT. § 11.0604\(1\)\(a\).](#)

“Obligation” means any express agreement to make a disbursement, including the following:

1. A loan or loan guarantee;
2. A promise to purchase, rent, or lease tangible personal property; or
3. A promise to pay for a service that has been or will be performed.

[WIS. STAT. § 11.0101\(23\).](#)

Required Information for Obligations

1. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred must be reported in campaign finance reports. [WIS. STAT. § 11.0604\(1\)\(a\)9.](#)
2. A statement of the balance of obligations incurred as of the end of the reporting period. [WIS. STAT. § 11.0604\(1\)\(a\)11.](#)

Required Information for Loans

Each loan of money made to an independent expenditure committee in an aggregate amount or value in excess of \$20, must be reported with all of the following:

1. The full name and mailing address of the lender;
2. A statement of whether the lender is a commercial lending institution;
3. The date and amount of the loan;
4. The full name and mailing address of each guarantor, if any;
5. The original amount guaranteed by each guarantor; and
6. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

[WIS. STAT. § 11.0604\(1\)\(a\)7.](#)

Independent Expenditures and Coordination

An independent expenditure is an expenditure for express advocacy that is not made in coordination with a candidate, candidate committee, candidate's agent, legislative campaign committee, or political party. [WIS. STAT. § 11.1101\(16\)](#).

Independent expenditure committees may not make contributions to candidates, party committees, legislative campaign committees, or political action committees. [WIS. STAT. § 11.0601\(3\)\(b\)](#). This prohibition applies to both monetary contributions and in-kind contributions. Independent expenditure committees **may not** coordinate their spending with candidates or party committees, because a coordinated expense qualifies as a contribution. [WIS. STAT. § 11.1203\(2\)\(b\)2](#).

The definition of coordination is listed below:

For purposes of this section, an expenditure for express advocacy is coordinated if any of the following applies:

1. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party communicates directly with the political action committee, independent expenditure committee, other person, or individual making the expenditure to specifically request that the political action committee, independent expenditure committee, other person, or individual make the expenditure that benefits the candidate and the political action committee, independent expenditure committee, other person, or individual explicitly assents to the request before making the expenditure; or
2. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party exercises control over the expenditure or the content, timing, location, form, intended audience, number, or frequency of the communication.

[WIS. STAT. § 11.1203\(2\)\(a\)](#).

Express advocacy means:

A communication that contains terms such as the following with reference to a clearly identified candidate and that unambiguously relates to the election or defeat of that candidate:

- (a) "Vote for;"
- (b) "Elect;"
- (c) "Support;"
- (d) "Cast your ballot for;"
- (e) "Smith for ... (an elective office);"
- (f) "Vote against;"
- (g) "Defeat;"

- (h) “Reject;” or
- (i) “Cast your ballot against.”

[WIS. STAT. § 11.0101\(11\)](#).

An independent expenditure committee must report all of its receipts and expenses, including its independent expenditures as required by [WIS. STAT. § 11.0604\(1\)\(a\)](#).

CAMPAIGN FINANCE REPORTS

All registrants that are not exempt from filing must file campaign finance reports. Committees must continue to file periodic reports until their committee is terminated. The reports must be submitted electronically via CFIS (<https://cfis.wi.gov/>). [WIS. STAT. § 11.1304\(6\)](#).

The information listed on the campaign finance report discloses the financial activity of the independent expenditure committee. The law requires disclosure of contributions received, disbursements made, and incurred obligations. [WIS. STAT. § 11.0604\(1\)\(a\)](#). Committee treasurers must exercise diligence in acquiring and furnishing the contributor information required on the receipt schedules. Committees are required to make a “good faith effort” to obtain all information required on the reports. [WIS. STAT. § 11.0103\(1\)\(a\)](#). For all contributors, the report must disclose the individual’s name and address. [WIS. STAT. § 11.0604\(1\)\(a\)1](#). If the individual’s cumulative contributions exceed \$200, you must also provide the individual’s occupation. [WIS. STAT. § 11.0604\(1\)\(a\)3](#).

Types of Reports

All committees must file continuing reports in January and July of each year until they terminate their registration. Independent expenditure committees that make expenditures for or against candidates on the ballot must file a pre-primary and a pre-election report due 8 days before the primary or general election.

Reporting Periods and Elections:

Spring Primary: A committee that engages in activity concerning a spring primary must file: (1) a pre-primary report; (2) a pre-election report; and (3) annually in each year of an election cycle, a report on January 15 and July 15. [WIS. STAT. § 11.0604\(2\)](#).

Spring Election: A committee that engages in activity concerning a spring election must file: (1) a pre-election report; and (2) annually in each year of an election cycle, a report on January 15 and July 15. [WIS. STAT. § 11.0604\(3\)](#).

Partisan Primary: A committee that engages in activity concerning a partisan primary must file: (1) a pre-primary report; (2) a pre-election report; (3) in an odd-numbered year, a report on January 15 and July 15; and (4) in an even-numbered year, a report on January 15 and July 15 and on the 4th Tuesday in September. [WIS. STAT. § 11.0604\(4\)](#).

General Election: A committee that engages in activity concerning a general election must file: (1) a pre-election report; (2) in an odd-numbered year, a report on January 15 and July 15; and (3) in an even numbered year, a report on January 15 and July 15 and on the 4th Tuesday in September. [WIS. STAT. § 11.0604\(5\)](#).

Special Elections: In addition to the pre-primary and pre-election reports described above, a committee may also have to file a post-election report within 45 days if January or July report has not been filed. WIS. STAT. §§ [11.0604\(3\)\(c\)](#) and [11.0604\(5\)\(d\)](#).

Reporting deadlines can be found on the Ethics Commission's website at:

<https://ethics.wi.gov/Pages/CampaignFinance/ReportPeriods.aspx>

How to Complete Campaign Finance Reports

There are two ways to enter campaign finance transactions (contributions and disbursements):

- Using the online screens in the Campaign Finance Information System (“CFIS”), and
- Using the CFIS upload templates.

Every committee must use one of the specified, approved forms. [WIS. STAT. § 11.1304\(1\)](#). A committee that chooses to use an upload template with schedule detail must use the approved template. Committees can find upload templates on the CFIS site in the “**Upload Transactions**” section of the menu.

For detailed instructions on how to complete and file the campaign finance report, go to <https://cfis.wi.gov> and click on the **CFIS Manuals** link in the center of the page, or go to the Ethics Commission **CFIS Manuals & Frequently Asked Questions** page: <https://ethics.wi.gov/Pages/CampaignFinance/CFISManuals.aspx>.

Filing Reports in CFIS

Independent expenditure committees file campaign finance reports electronically through the CFIS website. The help screens on that site may answer some of your questions. When you have entered all transactions for a reporting period, the CFIS system will automatically generate the report for you and place all transactions on the appropriate schedules.

Independent expenditure committees are required to provide a statement of the cash on hand at the beginning and end of each reporting period. [WIS. STAT. § 11.0604\(1\)\(a\)6](#). The committee will be prompted to provide the beginning and ending cash balances when certifying the campaign finance report in CFIS. This will appear on the summary page of the report generated by CFIS.

All contributions received by the committee must be reported in Schedule 1 (Receipts) of the campaign finance report. Contributions and loans from individuals are listed in Schedule 1A (Contributions Including Loans from Individuals). Contributions from other committees are reported in Schedule 1B (Contributions from Committees). All other income such as loans from financial institutions, contributions returned from other registrants, refunds, returns of deposits or interest on investments are reported in Schedule 1C (Other Income and Commercial Loans). The date which must be provided for all contributions is the date the committee **received** the

contribution, that is, the date it acquired possession and control of the contribution, **not** the date of deposit or date on the check (unless all dates are the same). [WIS. STAT. § 11.0103\(2\)\(a\)1.](#)

All money spent by the committee is reported in Schedule 2 (Disbursements) of the campaign finance report. General operating expenditures are listed in Schedule 2A (Gross Expenditures). Contributions to other independent expenditure committees or referendum committees are listed in Schedule 2B (Contributions to Committees).

Additional information required to be disclosed is reported in Schedule 3 (Additional Disclosure) of the campaign finance report. All obligations of the committee such as unpaid debts are listed in Schedule 3A (Incurred Obligations Excluding Loans). Loans and the individuals who guarantee loans for the committee are listed in Schedule 3B (Loans).

Reporting Specific Express Advocacy (72-Hour Reporting)

Independent expenditure committees that spend more than \$2,500 on express advocacy in the 60 days before a primary election must also file a special report documenting their expenditures within 72 hours of making the disbursement. It is the date the communication takes place, not necessarily the day the expense is paid, that determines whether it falls within the 60-day period. [WIS. STAT. § 11.0605\(1\)\(a\).](#)

Committees required to file 72-hour reports (CF-7) of independent expenditures must file on the CFIS website.

Directions on filing these reports in CFIS can be found in the CFIS User's Guide: <https://ethics.wi.gov/Pages/CampaignFinance/CFISManuals.aspx>.

When a committee submits a 72-hour report, the treasurer will also file an oath that the committee has not coordinated with the candidate committee. An oath is repeated for each separate communication and filed with each 72-hour report. Since oaths must be notarized, a copy of each 72-hour report must always be mailed, emailed, or faxed to the Ethics Commission.

Some entities not required to register as independent expenditure committees (individuals, or groups that spend less than 50% of their funds on independent expenditures) are still required to report spending on express advocacy if they spend more than \$2,500 within 60 days of a primary or election. The requirements for reporting and filing an oath are the same as the requirements for the 72-hour reports described in this section. [WIS. STAT. § 11.1001.](#)

No-Activity Report

If an independent expenditure committee receives no contributions, makes no disbursements and incurs no obligations during a reporting period, the registrant may file a "No Activity Report."

This form should be used **only** when there has been no financial activity and the cash balance remains unchanged during the reporting period. [WIS. STAT. § 11.0103\(3\)](#).

ATTRIBUTION STATEMENTS (DISCLAIMERS)

Attribution statements, commonly referred to as disclaimers, are statements required to be placed on any communication containing express advocacy in order to identify the person(s) who paid for and/or authorized the communication. [WIS. STAT. § 11.1303\(2\)](#).

No disbursement by independent expenditure committees may be made anonymously and no contribution or disbursement may be made in a fictitious name or by one person or organization in the name of another. [WIS. STAT. § 11.1303\(1\)](#).

Every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, or other communication containing express advocacy which is paid for by any contribution or disbursement shall clearly identify its source. [WIS. STAT. § 11.1303\(2\)\(a\)](#).

Every communication containing express advocacy the cost of which is paid for or reimbursed by a committee, or for which a committee assumes responsibility, whether by accepting a contribution or making a disbursement, shall identify its source by the words "Paid for by" followed by the name of the committee making the payment or reimbursement or assuming responsibility for the communication and may include the name of the treasurer or other authorized agent of the committee. [WIS. STAT. § 11.1303\(2\)\(b\)](#).

Attribution statements must be readable, legible, and readily accessible. [WIS. STAT. § 11.1303\(2\)\(g\)](#).

Attribution statements do not apply to communications containing express advocacy printed on small items, which would normally require a disclaimer, but cannot be conveniently printed, including text messages, social media communications, and certain small advertisements on mobile phones. [WIS. STAT. § 11.1303\(2\)\(f\)](#).

Formats for Disclaimers

When a communication is paid for by a committee, the disclaimer must include the words "Paid for by," followed by the name of the committee:

“Paid for by the ABC Committee.”

[WIS. STAT. § 11.1303\(2\)\(b\)](#).

The disclaimer may also include the name of the treasurer or other authorized agent:

“Paid for by the ABC Committee, James Jones, Treasurer.”

When a committee places a communication for express advocacy that is not in coordination with a candidate (an independent expenditure), that committee should include the words "Not authorized by any candidate or candidate's agent or committee" in the attribution:

“Paid for by ABC Committee, Not Authorized by
Any Candidate or Candidate’s Agent or Committee”

[Wis. Stat. §11.1303\(2\)\(d\).](#)

TERMINATION OF CAMPAIGN FINANCE REGISTRATION

An independent expenditure committee may terminate its registration if it meets the following requirements:

1. Determines that all financial activity will stop, and that it will no longer receive contributions, make disbursements, or incur obligations;
2. Files a termination campaign finance report showing that all incurred obligations have been paid or satisfied, and that the cash balance has been reduced to zero; and,
3. Completes a request for termination by filing a termination report. See the “Termination a Committee” Quick Tip Sheet for more details: <https://ethics.wi.gov/Resources/CFIS-TerminatingCommittee.pdf>.

[WIS. STAT. § 11.0105.](#)

Disposal of Residual Funds

Residual funds may be used for any purpose that is not for an individual’s strictly personal use and is not prohibited by law, including:

1. Repay any outstanding loans. If loans are not repaid, they must be forgiven before the committee can request termination;
2. Returning money to contributors in amounts that are not more than the contributor’s original contribution (note: the committee or treasurer may choose which contributors to refund. The committee is not required to pro-rate and return a portion to all contributors);
3. Donating money to any tax-exempt charitable organization or the Common School Fund;
4. Transferring money to another registrant within the permitted contribution limit; or
5. Using any combination of the above.

WIS. STAT. §§ [11.0105](#), [11.1208\(2\)\(a\)](#).

Prior to making these disbursements of residual funds, make sure the committee does not have any pending fees or settlement offers.



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
101 East Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53703-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

CERTIFICATION OF AGENCY HEAD

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'D. Carlton, Jr.' with a stylized flourish at the end.

Daniel Carlton, Jr.
Commission Administrator
Wisconsin Ethics Commission

Wisconsin Ethics Commissioners

Mac Davis | David R. Halbrooks | Katie McCallum | Tamara Packard | Pat Strachota | Timothy Van Akkeren

Administrator

Daniel A. Carlton, Jr.