

Chapter El Bd 1

CAMPAIGN FINANCING

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El Bd 1.02 Multiple candidacies. (1) Any candidate seeking election to an office other than that indicated on his registration statement or that of his personal campaign committee must file an amended registration statement with the appropriate filing officer or officers indicating such change. Financial disclosure reports filed subsequent to such change must be filed with the filing officer for the office designated on the amended registration statement.

(2) When a candidate is simultaneously seeking election to more than one office, he shall file duplicate consolidated registration statements indicating all offices sought and duplicate consolidated financial disclosure reports with the appropriate filing officers. The personal campaign committee of such a candidate is responsible for ensuring compliance with the contribution limitation applicable to each office sought.

(3) Regardless of the number of offices sought, a candidate may not have more than one committee, treasurer and campaign depository account.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

El Bd 1.03 Duplicate filing requirements. Section 11.09, Stats., is applied as follows:

(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.

History: Emerg. cr. 8-9-74; cr. Register, November, 1974, No. 227, eff. 12-1-74; r. (1) to (6), Register, March, 1976, No. 243, eff. 4-1-76.

El Bd 1.04 Debt retirement; treatment of contributions received and accepted after election. (1) Contributions received and accepted

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for the purpose of retiring debts incurred in a prior campaign should be counted against the contributor's contribution limit for said campaign. Contributions received and accepted in excess of the amount needed to retire such debt shall be counted against the contributor's contribution limits applicable to the next campaign on a first-in first-out basis with the contributions received and accepted first applied to debt retirement.

(2) Notwithstanding the above, a contribution received and accepted before the end of the post-election reporting period should be counted against the limits for the campaign in which the election took place, regardless of whether all campaign debts have been retired at the time the contribution is received.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

El Bd 1.05 Reporting of disbursements. Every withdrawal of funds except for internal transfers for investment purposes from the campaign depository account must be reported in accordance with ss. 11.06 and 11.20, Stats.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

El Bd 1.06 Corporate registration and reporting. (1) Every foreign or domestic corporation or association organized under ch. 185, Stats., which establishes a separate segregated fund pursuant to s. 11.38 (1) (a) 2., Stats., shall register with the appropriate filing officer on a form prescribed by the board.

(2) Every foreign or domestic corporation or association organized under ch. 185, Stats., which is required to register pursuant to subsection (1), shall file financial disclosure reports with the appropriate filing officer in accordance with s. 11.20 (4), Stats., on a form prescribed by the board.

History: Cr. Register, July, 1976, No. 247, eff. 8-1-76.

El Bd 1.10 Reporting by nonresident committees and groups. Every nonresident committee or group as defined in s. 11.07 (6), 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 s. 11.05 (1), Stats., and with the secretary of state under s. 11.07 (1), Stats.

History: Emerg. cr. 8-16-74; cr. Register, November, 1974, No. 227, eff. 12-1-74.

El Bd 1.12 Filing requirements for special elections. (1) The personal campaign committee of every candidate who wins a primary for a special election must file pre primary, pre election and post election reports, on the dates specified for those reports in s. 11.20 (3), Stats. The personal campaign committee of every candidate who loses a primary for a special election must file pre and post primary reports, on the dates specified for those reports in s. 11.20 (3), Stats.

(2) Every political committee and group required to register under s. 11.05, Stats., and formed exclusively to affect the outcome of a special election shall file reports, according to the requirements set out for personal campaign committees under (1).

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(3) Every political party committee and every political committee and group not specified in (2) that makes a direct disbursement to affect the outcome of a special election shall file election reports according to the requirements set out for personal campaign committees under (1).

(4) A direct disbursement under (3) shall not include a contribution made to a political party committee, a political committee or a political group.

History: Emerg. cr. eff. 9-19-76; cr. Register, March, 1976, No. 243, eff. 4-1-76; emerg. am. eff. 3-26-77; am. Register, July, 1977, No. 269, eff. 8-1-77.

El Bd 1.13 Spring primary reports. When no spring primary is held, all candidates in the spring election and all political committees supporting or opposing said candidates and all political groups supporting or opposing referenda to be voted on at the spring election must file pre and post primary reports in accordance with s. 11.20 (3), Stats. This requirement, however, does not apply to registrants exempted from filing requirements under s. 11.05 (2r), Stats.

History: Emerg. cr. eff. 2-8-76; cr. Register, June, 1976, No. 246, eff. 7-1-76.

El Bd 1.25 Loan treatment respecting limitations. A loan when made by any person, committee or group (except a loan of money by a national or state bank made by the bank in accordance with applicable banking laws and regulations in the ordinary course of business) shall be reported as a contribution or disbursement, and also as an incurred obligation by the debtor. When such a loan is received by a registrant, it is counted within the contribution limitation of the creditor while outstanding, but is not counted within the limitation after repayment. The amount or value of any such outstanding loans and any other contributions or disbursements shall at no time exceed any limitation specified in ss. 11.26 and 11.31, Stats.

History: Cr. Register, March, 1976, No. 231, eff. 4-1-76.

El Bd 1.26 Return of contribution. (1) This rule is promulgated to clarify the treatment and reporting of returned contributions.

(2) The return of a contribution is not a disbursement subject to the limitations on disbursements in s. 11.31, Stats., and it is not a contribution subject to the limitations on contributions in s. 11.26, Stats.

(3) When a candidate applying for a public financing grant returns a contribution, the candidate reports it on the "Report on Use of Grant from Wisconsin Election Campaign Fund" (Form EB-24) under "EXCLUSIONS" in schedule D. The candidate also reports it on the Campaign Finance Report (Form EB-2) under "RETURNED OR DONATED CONTRIBUTIONS", schedule 3. If the contribution is returned after deposit in the depository, it is also shown on the Campaign Finance Report under "EXPENDITURES", schedule 2, and specially designated as "return of contribution".

(4) When a registrant other than a candidate applying for public financing returns a contribution, it is reported on the Campaign Finance Report (Form EB-2) under "RETURNED OR DONATED CONTRIBUTIONS", schedule 3. If the contribution is returned after deposit in the depository, it is also shown on the Campaign Finance Report under "EXPENDITURES", schedule 2, and specially designated as "return of contribution".

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(5) When a registrant receives a return of a contribution, it is reported on the Campaign Finance Report (Form EB-2) under schedule I.D. and specially designated as "return of contribution".

History: Cr. Register, March, 1976, No. 231, eff. 4-1-76; am. Register, September, 1978, No. 273, eff. 10-1-78.

El Bd 1.27 Refund of disbursement; effect on limitation. **History:** Cr. Register, March, 1976, No. 231, eff. 4-1-76; r. Register, September, 1978, No. 273, eff. 10-1-78.

El Bd 1.28 Scope of regulated activity; election of candidates. (1) Definitions. As used in this rule:

(a) "Political committee" means every committee which is formed primarily to influence elections or which is under the control of a candidate.

(b) "Contributions earmarked for political purposes" means contributions made to 1) a candidate, or 2) a political committee or 3) an individual who makes contributions to a candidate or political committee or incurs obligations or makes disbursements for the purpose of expressly advocating the election or defeat of an identified candidate.

(2) Individuals other than candidates and committees other than political committees are subject to the applicable disclosure-related and recordkeeping-related requirements of ch. 11, Stats., only when they:

(a) Make contributions earmarked for political purposes, or

(b) Make contributions to any person at the request or with the authorization of a candidate or political committee, or

(c) Make expenditures for the purpose of expressly advocating the election or defeat of an identified candidate.

(3) Consistent with s. 11.05 (2), nothing in subsection (1) or (2) should be construed as requiring registration and reporting, under ss. 11.05 and 11.06, Stats., of an individual whose only activity is the making of contributions.

History: Emerg. cr. eff. 8-26-76; cr. Register, January, 1977, No. 263, eff. 2-1-77.

El Bd 1.29 Scope of regulated activity; referenda. The requirements of disclosure and recordkeeping of s. 11.23, Stats., are applicable to individuals and groups other than groups formed primarily to influence the outcome of a referendum as to contributions, disbursements and obligations which are directly related to express advocacy of a particular result in a referendum. Nothing contained herein should be construed to exempt groups formed primarily to influence the outcome of a referendum from the requirements of disclosure and recordkeeping of s. 11.23, Stats.

History: Emerg. cr. eff. 8-26-76; emerg. am. eff. 9-7-76; cr. Register, January, 1977, No. 263, eff. 2-1-77.

El Bd 1.30 Revocation of \$250 exemption indication. When a registrant who has signed an indication on a registration statement that the registrant will not receive contributions, make disbursements or incur obligations in excess of \$250 discovers that his or her financial activity will exceed \$250, the registrant must so inform his or her filing officer by verified letter filed with the filing officer or with the U.S. postal service by first class mail with sufficient prepaid postage, addressed to the appropriate filing officer, no later than the date on which the \$250 limit is

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exceeded. Such registrant is subject to applicable reporting requirements as of the date on which the \$250 limit is exceeded, including the requirement to report contributions received, disbursements made and obligations incurred before the \$250 limit was exceeded.

History: Emerg. cr. eff. 9-13-76; cr. Register, January, 1977, No. 263, eff. 2-1-77.

El Bd 1.31 Treatment of commercial loan guaranties. (1) DEFINITIONS. As used in this rule:

(a) "Registrant" means any committee, group, individual or candidate who or which is required to register with a filing officer pursuant to s. 11.05, Stats.

(b) "Commercial loan" means a loan of money by a national or state bank made in accordance with applicable banking laws and regulations in the ordinary course of business.