

## STATE ELECTIONS BOARD

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(b) In any case where the postal service is employed by a person subject to a registration requirement as the agent for transmittal of a statement, the burden is upon such person to show that a statement has been filed with the postal service.

(c) It is presumed until the contrary is established that the date shown by the postal service cancellation mark on the envelope containing the statement is the date that it was deposited in the mail.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78.

**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 opponent, or is made or incurred by or through an individual or committee filing the voluntary oath provided 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, so long as such expenditure is treated and reported as a contribution to such candidate 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.

(3) **TREATMENT AND REPORTING OF INDEPENDENT ACTIVITY BY VOLUNTARY COMMITTEE.** When a committee or individual filing the voluntary oath makes an expenditure 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 be treated and reported as a "disbursement". When such committee or individual incurs an obligation in support of or 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 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.

(4) **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 contain, in addition to the ordinary identification, 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.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78.

**El Bd 1.43 Referendum-related activities by committees; candidate-related activities by groups.** (1) As used in this rule, "committee-group" means any committee which acts in support of or opposition to a referendum, and any group which acts in support of or opposition to a candidate.

(2) Any committee-group may consolidate referendum-related and candidate-related activity by:

(a) Filing a duplicate consolidated registration statement or amending a previously filed registration statement with the appropriate filing officer or officers, indicating all candidates and referenda supported or opposed, or

(b) Filing duplicate consolidated financial disclosure reports, which indicate the specific purpose of each expenditure so as to differentiate between expenditures intended to influence referenda and expenditures intended to influence the election or defeat of a candidate.

(3) A committee-group which consolidates activity pursuant to this rule is subject to those limits on the receipt of contributions to which it would be subject if it were operating solely as a committee.

(4) A committee-group which consolidates activity pursuant to this rule must have a single treasurer and a single depository.

(5) Notwithstanding the above, any committee-group may separate referendum-related and candidate-related activity by filing separate registration statements, separate financial disclosure reports, and by maintaining a separate depository for each type of activity.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78.

**El Bd 1.44 Disbursement levels.** (1) **LIMITATION IMPOSED.** No candidate for state office who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund and who receives and accepts any such grant may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the amounts specified below.

(2) **LEVELS ESTABLISHED.** The following levels of disbursements are established with reference to the candidates listed below through the period ending on February 29, 1980. Except as provided in sub. (1), such levels do not operate to restrict the total amount of disbursements which are made or operate to be made by any candidate in any primary or other election.

(a) Candidates for governor, \$184,325 in the primary and \$430,075 in the election.

(b) Candidates for lieutenant governor, \$122,875 in the primary and \$61,450 in the election.

(c) Candidates for attorney general, \$153,600 in the primary and \$153,600 in the election.

(d) Candidates for secretary of state, state treasurer, justice of the supreme court and state superintendent of public instruction, \$49,150 in the primary and \$73,725 in the election.

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(e) Candidates for state senator, \$19,650 total in the primary and election, with disbursements not exceeding \$12,300 for either the primary or the election.

(f) Candidates for representative to the assembly, \$9,825 total in the primary and election, with disbursements not exceeding \$6,150 for either the primary or the election.

(g) In any county with a population of 500,000 or more, according to the most recent countywide federal census:

1. For the following county offices:

a. Candidates for county executive, \$153,600 total in the primary and election, with disbursements not exceeding \$110,600 for either the primary or the election.

b. Candidates for district attorney, \$92,150 total in the primary and election, with disbursements not exceeding \$61,450 for either the primary or the election.

c. Candidates for county supervisor, \$9,825 total in the primary and election, with disbursements not exceeding \$6,150 for either the primary or the election.

2. Candidates for any other countywide office, in counties of this size, \$61,450 total in the primary and election, with disbursements not exceeding \$36,875 for either the primary or the election.

3. For the following offices in cities of the 1st class:

a. Candidates for mayor, \$153,600 total in the primary and election, with disbursements not exceeding \$110,600 for either the primary or the election.

b. Candidates for city attorney, \$92,150 total in the primary and election, with disbursements not exceeding \$61,450 for either the primary or the election.

c. Candidates for other citywide office, \$61,450 total in the primary and election, with disbursements not exceeding \$36,875 for either the primary or the election.

d. Candidates for alderman, \$9,825 total in the primary and election, with disbursements not exceeding \$6,150 for either the primary or the election.

(h) Candidates for any other state or local offices, elected from jurisdictions or districts with less than 500,000 inhabitants, according to the latest federal census or census information on which the district is based, as certified by the appropriate filing officer, an amount equal to the greater of a) \$625, or b) 30.72% of the annual salary, or c) 18.432 cents per inhabitant, but in no event more than \$24,575 for both the primary and election combined.

**History:** Emerg. cr. eff. 4-27-78; cr. Register, August, 1978, No. 272, eff. 9-1-78.

**El Bd 1.50 Non-candidate committees collecting on behalf of a specific candidate and the voluntary oath.** When a non-candidate committee accepts contributions on behalf of a specific candidate, it must file the voluntary oath in s. 11.06 (7), Stats., by which the committee's independence of the candidate is affirmed. A political action com-

mittee whose campaign finance reports show support of only one candidate is presumed to be accepting contributions in support of that candidate and required to file the voluntary oath in s. 11.06 (7), Stats., by which the committee's independence of the candidate is affirmed. That presumption may be overcome by countervailing evidence.

**History:** Cr. Register, June, 1979, No. 282, eff. 7-1-79.

**El Bd 1.55 Reimbursement for campaign use of state vehicles.** Whenever a state vehicle is used primarily for the purposes of campaigning in support of or in opposition to a candidate, there must be paid to the state treasurer the mileage fees specified in s. 20.916 (4) (a), Stats., or in the case of aircraft, an equitable fee determined by the secretary of administration. The obligation to reimburse the state shall be included on the campaign finance report covering the period during which the obligation was incurred.

**History:** Cr. Register, October, 1979, No. 286, eff. 11-1-79.