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**WISCONSIN LEGISLATIVE COUNCIL  
INFORMATION MEMORANDUM**

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**State Campaign Finance Law:  
*Major Provisions of 2015 Wisconsin Act 117***

2015 Wisconsin Act 117 repeals and recreates the statutory chapter governing state campaign finance law. The Act makes the following key changes to prior law:

- (1) Creates a new reporting structure for committees and conduits.
- (2) Creates a specific reporting structure for express advocacy made shortly before an election.
- (3) Increases contribution limits and restricts contributions from corporations, labor unions, and tribes.
- (4) Regulates certain express advocacy that is coordinated with a candidate, legislative campaign committee, or political party.

This Information Memorandum describes the key provisions of 2015 Wisconsin Act 117 noted above, and provides important campaign finance definitions in the attached **Appendix**.

Chapter 11, Stats., regulates campaign finance for state and local offices. 2015 Wisconsin Act 117 repealed ch. 11, Stats., in its entirety and replaced it with a new statutory chapter. The rewritten ch. 11 took effect on January 1, 2016, the first day of the first full reporting period following publication of the Act.

**COMMITTEE AND CONDUIT REPORTING**

Act 117 creates a structure for “ongoing” reporting of campaign finance activity by committees and conduits. This reporting structure requires candidate committees, legislative campaign committees, political parties, political action committees (PACs), independent expenditure committees (IECs), recall committees, and referendum committees (collectively, “committees”), and conduits to register as such, and to report campaign finance activity relating to contributions, disbursements, and obligations.

The following sections describe the requirements for committees and conduits to register and to report their activity.

***REGISTRATION REQUIREMENTS***

Act 117 requires committees and conduits to register with a designated filing officer and specifies the circumstances that trigger this requirement. The filing officer for candidates for state office

and for nearly all committees is the Ethics Commission.<sup>1</sup> The filing officer for candidates for local office, for recall committees seeking recall of local officers, and for referendum committees acting to support or oppose a local referendum is a local clerk.

### ***Registration Statement***

A committee or conduit registers by filing a registration statement. The registration statement must contain all of the following information: (1) the name and mailing address of the committee or conduit; (2) the name and mailing address of the treasurer and any other custodian of books and accounts; and (3) the name and address of the committee's or conduit's depository account and of any other institution where committee or conduit funds are kept.

Act 117 also requires additional information on the registration statement that is specific to each type of committee. For example, a PAC or IEC must include the name and address of its sponsoring organization (if any), while a referendum committee must indicate the nature of any referendum it supports or opposes.

### ***Registration Trigger***

Act 117 requires a committee or conduit to register under the following circumstances:

- **Candidate**: A candidate must register his or her candidate committee<sup>2</sup> as **soon as practicable after the individual qualifies as a candidate**, even if the candidate receives no contributions, makes no disbursements, and incurs no obligations.
- **Legislative Campaign Committee/Political Party**: A legislative campaign committee or political party that accepts, makes, or incurs contributions, disbursements, or obligations to support or oppose a candidate in a calendar year must register **upon its inception** and prior to accepting, making, or incurring any such contribution, disbursement, or obligation.
- **PAC/IEC**: A PAC or IEC<sup>3</sup> must register if it accepts, makes, or incurs contributions, disbursements, or obligations to support or oppose a candidate in a calendar year in an aggregate amount that exceeds **\$2,500**. A PAC or IEC must register no later than the 10<sup>th</sup> business day after receipt of the first contribution by the committee exceeding \$2,500, before making any disbursement exceeding \$2,500, and before incurring obligations exceeding \$2,500.
- **Recall Committee**: A recall committee must register if it accepts contributions, makes disbursements, or incurs obligations to support or oppose a recall in a calendar year in an aggregate amount that exceeds **\$2,000**. A recall committee must register no later than

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<sup>1</sup> The filing officer is the Government Accountability Board until the Ethics Commission becomes effective on June 30, 2016.

<sup>2</sup> A candidate generally must accept contributions, make disbursements, and incur obligations through a candidate committee. A candidate may only establish one candidate committee, except that an individual who holds a state or local elective office may establish a second candidate committee for the purpose of pursuing a different state or local office.

<sup>3</sup> A person may only register one PAC, but may register both a PAC and an IEC.

the 10<sup>th</sup> business day after receipt of the first contribution by the committee exceeding \$2,000, before making any disbursement exceeding \$2,000, and before incurring obligations exceeding \$2,000.

- **Referendum Committee:** A referendum committee must register if the committee accepts contributions, makes disbursements, or incurs obligations to influence a particular vote at a referendum in a calendar year in an aggregate amount that exceeds **\$10,000**. A referendum committee must register no later than the 10<sup>th</sup> business day after receipt of the first contribution by the committee exceeding \$10,000, before making any disbursement exceeding \$10,000, and before incurring obligations exceeding \$10,000.
- **Conduit:** A conduit that accepts and releases any contributions made to support or oppose a candidate in a calendar year must register **upon its inception** and prior to accepting or releasing any contribution.

### ***Suspension or Termination of Registration***

Act 117 allows a committee or conduit to terminate or suspend its registration, which exempts the committee from ongoing reporting requirements. A committee or conduit may terminate its registration by filing a termination report. A committee may file such a report if the committee dissolves or determines it will no longer incur obligations, receive or make contributions, or make disbursements during a calendar year, and the committee has no outstanding incurred obligations. A conduit may file a termination report if it dissolves or determines it will no longer accept and release contributions. The termination report must indicate a cash balance of zero at the end of the reporting period and must indicate the manner in which the committee disposed of residual funds.

Alternatively, a committee or conduit may temporarily suspend its registration by filing an amended registration statement. A committee must indicate that it does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount exceeding \$2,000 in a calendar year, while a conduit must indicate that it does not anticipate accepting or releasing contributions in an aggregate exceeding \$2,000 in a calendar year. A filing officer receiving such an amended registration must suspend the requirements for the committee to file continuing reports. The indication of limited activity is only effective for the calendar year in which it is granted.

### ***REPORTING REQUIREMENTS***

Act 117 requires a committee or conduit to comply with ongoing reporting requirements. A committee or conduit must file reports regarding its campaign finance activity, which includes contributions, disbursements, and obligations.

These requirements obligate a committee to file certain regular reports, including a preprimary report, a preelection report, and twice-yearly reports. The regular reports apply to all committees, including PACs and IECs. PACs and IECs are also subject to additional reporting requirements regarding express advocacy they engage in shortly before an election, which are described below in the section “Specific Express Advocacy Reporting.”

### ***Content of Committee Reports***

Act 117 generally requires each committee to report its activity relating to contributions, disbursements, and obligations. A committee must include the following information in each report, which covers activity since the previous report:

- **Contributions Received**: An itemized statement giving the date, full name, and street address of each person who made a contribution to the committee, together with the amount of each contribution.
- **Contributions Made**: An itemized statement giving the date, full name, and street address of each committee to which the reporting committee made a contribution, together with the amount of each contribution. (This does not apply to a referendum committee.)
- **Contributor Occupation**: The occupation, if any, of each individual contributor whose cumulative contributions to the committee for the calendar year exceed \$200.
- **Anonymous Contributions**: An itemized statement of each contribution made anonymously to the committee. If an anonymous contribution exceeds \$10, the committee must specify whether the committee donated the contribution to the common school fund or to a charitable organization and must include the full name and mailing address of the donee.
- **Contribution Totals**: A statement of total contributions received and donated during the reporting period.
- **Cash Balance**: A statement of the cash balance on hand at the beginning and end of the reporting period.
- **Loans to the Committee**: An itemized statement of each loan of money made to the committee in an aggregate amount or value over \$20, together with certain information about the loan, lender, and guarantor.
- **Disbursements Made**: An itemized statement of every disbursement exceeding \$20 in amount or value, together with the date, specific purpose of the disbursement, and the name and address of the person to whom the disbursement was made.
- **Obligations Incurred**: 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 specific purpose for which the obligation was incurred.
- **Disbursement Totals**: A statement of total disbursements made, including transfers made to and received from other committees, other income, and loans.
- **Obligations Balance**: A statement of the balance of obligations incurred as of the end of the reporting period.

### ***Content of Conduit Reports***

Act 117 generally requires each conduit to report information about contributions it releases to other committees. A conduit must include the following information in each report, which covers activity since the previous report:

- **Contributions Released**: An itemized statement giving the date, full name, and street address of each committee to whom contributions were released during the reporting period, together with the sum total of all contributions released to that committee during the reporting period.
- **Redirected Contributions**: Whether, during the reporting period, any contribution was redirected to a sponsor.

In addition to the reports a conduit must submit to the Ethics Commission, a conduit must also provide certain information to a committee receiving a contribution released by the conduit. A conduit must identify itself as a conduit to the recipient and report information about each individual contributor, such as his or her name, address, and contribution amount.

### ***Reporting Schedule***

Act 117 generally requires a committee involved in activity concerning a particular election to file a preprimary report, a preelection report, and twice-yearly reports in January and July. Candidate committees (for state office), legislative campaign committees, and political parties also have an additional 72-hour reporting requirement for certain contributions received shortly before an election. A committee must comply with the following reporting schedule:

- **Spring Primary**: A committee involved in activity concerning a spring primary must file: (1) a preprimary report; (2) a preelection report; and (3) annually in each year of an election cycle, a report on January 15 and July 15.
- **Spring Election**: A committee involved in activity concerning a spring election must file: (1) a preelection report; and (2) annually in each year of an election cycle, a report on January 15 and July 15.
- **Partisan Primary**: A committee involved in activity concerning a partisan primary must file: (1) a preprimary report; (2) a preelection 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, July 15, and the 4th Tuesday in September.
- **General Election**: A committee involved in activity concerning a general election must file: (1) a preelection 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, July 15, and the 4th Tuesday in September.
- **Late Contribution**: A candidate committee for a candidate for state office, a legislative campaign committee, or a political party must report within 72 hours of receiving a contribution or contributions of \$1,000 or more cumulatively from a single contributor later than 15 days prior to a primary or election (unless the contribution or contributions are included in the preprimary or preelection report). This information will also be included in the committee's next regular report.

The reporting schedule varies slightly for conduits, candidate committees, legislative campaign committees, and political parties. A conduit must generally comply with the reporting schedule described above, except that a conduit is *not* required to file a preprimary or preelection report.

### **SPECIFIC EXPRESS ADVOCACY REPORTING**

Act 117 creates an “event-based” reporting structure for certain express advocacy made within 60 days of an election, in addition to the ongoing reporting structure for committees and conduits. The separate, specific express advocacy reporting requirements apply to “any person” (including corporations)<sup>4</sup> spending a total of **\$2,500** or more on express advocacy that is made during the 60 days prior to a primary or election involving an identified candidate.

A PAC or IEC that engages in such express advocacy must comply with the “event-based” reporting requirements, as well as the ongoing reporting structure described in the previous section. The “event-based” reporting requirements do not apply to other committees (candidate committee, legislative campaign committee, political party, referendum committee, or recall committee), even if they engage in qualifying express advocacy in the 60 days before an election.

#### ***Content of Specific Express Advocacy Reports***

A person whose activity triggers the reporting requirement must provide specified information to the Ethics Commission within 72 hours after making the disbursements for express advocacy.<sup>5</sup> The person must submit a statement providing the following:

- **Dates**: The dates on which the person made the disbursements.
- **Recipients**: The name and address of the persons who received the disbursements.
- **Purpose**: The purpose for making the disbursements.
- **Amount**: The amount spent for each act of express advocacy.
- **Candidate, Office, and Support/Opposition**: The name of any candidate affected by the disbursement, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.
- **Affirmation**: An affirmation, made under oath, that the person will comply with the restriction on coordination with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.
- **Designated Agent**: The name and address of the person’s designated agent in this state.

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<sup>4</sup> “Person” is defined in s. 990.01 (26), Stats., to include all partnerships, associations, and bodies politic or corporate.

<sup>5</sup> A disbursement for express advocacy is the amount spent directly on developing, producing, and disseminating the express advocacy.

### ***Specific Express Advocacy Reporting Exceptions***

Act 117 provides exceptions from “event-based” reporting of express advocacy for spending that does not reach the \$2,500 threshold and for specified types of communication. First, even if a person (including a PAC or IEC) triggers the specific express advocacy reporting requirement, the person is not required to submit information regarding disbursements made prior to reaching the \$2,500 threshold. Second, the express advocacy reporting requirement does not apply to either of the following:

1. **News Distribution.** A communication (other than an advertisement) appearing in a news story, commentary, or editorial distributed through the facilities of any news organization, unless the facilities are controlled by any committee or candidate.
2. **Member Communications.** A communication made exclusively between an organization and its members. A member of an organization is a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

### **CONTRIBUTIONS**

Act 117 imposes limits on the amount an individual or PAC may contribute to a candidate committee, on the amount one candidate committee may contribute to another candidate committee, and on the amount a PAC may contribute to a legislative campaign committee or political party. The Act also prohibits contributions from an IEC, corporation, labor union, or American Indian tribe<sup>6</sup> to most committees, but permits particular contributions to a limited range of recipient committees.

#### ***PROHIBITED CONTRIBUTIONS***

Act 117 prohibits IECs, corporations, labor unions, and American Indian tribes from making any contribution to particular committees, as follows:

- **Contributions from an IEC.** An IEC cannot make contributions to a candidate committee, a legislative campaign committee, a political party, a PAC, a conduit, or a recall committee. However, an IEC is permitted to contribute to referendum committees and other IECs in unlimited amounts.
- **Contributions from a Corporation, Labor Union, or Tribe.** A corporation, labor union, or American Indian tribe cannot make contributions to a candidate committee, a PAC, a conduit, or a recall committee. However, these entities are permitted to contribute to a referendum committee or an IEC in unlimited amounts and to a legislative campaign committee’s or political party’s segregated fund in limited amounts, as described below.

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<sup>6</sup> The specific language of Act 117 limits contributions made by a “foreign or domestic corporation,” “association organized under ch. 185 or 193,” “labor organization,” or “federally recognized American Indian Tribe.”

**LIMITED CONTRIBUTIONS**

***Contributions to State Candidates***

Act 117 places the following limits on contributions to candidates for state office:

	<b>INDIVIDUAL CONTRIBUTORS</b>	<b>CANDIDATE COMMITTEE CONTRIBUTORS</b>	<b>POLITICAL ACTION COMMITTEE CONTRIBUTORS</b>
<b>GOVERNOR</b>	\$20,000	\$20,000	\$86,000
<b>LT. GOVERNOR</b>	\$20,000	\$20,000	\$26,000
<b>SECRETARY OF STATE</b>	\$20,000	\$20,000	\$18,000
<b>STATE TREASURER</b>	\$20,000	\$20,000	\$18,000
<b>ATTORNEY GENERAL</b>	\$20,000	\$20,000	\$44,000
<b>STATE SUPERINTENDENT</b>	\$20,000	\$20,000	\$18,000
<b>JUSTICE</b>	\$20,000	\$20,000	\$18,000
<b>STATE SENATOR</b>	\$2,000	\$2,000	\$2,000
<b>ASSEMBLY REPRESENTATIVE</b>	\$1,000	\$1,000	\$1,000
<b>APPEALS JUDGE - POPULOUS DISTRICTS</b>	\$6,000	\$6,000	\$6,000
<b>APPEALS JUDGE – OTHER DISTRICTS</b>	\$5,000	\$5,000	\$5,000
<b>CIRCUIT JUDGE - POPULOUS AREA</b>	\$6,000	\$6,000	\$6,000
<b>DISTRICT ATTORNEY - POPULOUS AREA</b>	\$6,000	\$6,000	\$6,000
<b>CIRCUIT JUDGE - OTHER AREA</b>	\$2,000	\$2,000	\$2,000
<b>DISTRICT ATTORNEY - OTHER AREA</b>	\$2,000	\$2,000	\$2,000

***Contributions to Local Candidates***

Act 117 places the following limits on contributions to candidates for local office:

- Contributions from an Individual or Candidate Committee: An individual or candidate committee may contribute the greater of: (1) \$500; or (2) \$0.02 times the number of inhabitants of the jurisdiction or district, but not more than \$6,000.
- Contributions from a PAC: A PAC may contribute the greater of: (1) \$400; or (2) \$0.02 times the number of inhabitants of the jurisdiction or district, but not more than \$5,000.

### ***Contributions to Legislative Campaign Committees and Political Parties***

Act 117 permits legislative campaign committees and political parties to receive unlimited contributions from most contributors, but restricts contributions from PACs, corporations, labor unions, and American Indian tribes, as follows:

- Contributions from a PAC. A PAC may contribute no more than **\$12,000** in any calendar year to a legislative campaign committee or political party.
- Contributions from a Corporation, Labor Union, or Tribe. A corporation, labor union, or American Indian tribe may contribute to a segregated fund established and administered by a political party or legislative campaign committee for purposes other than making contributions to a candidate committee or making disbursements for express advocacy in amounts not to exceed **\$12,000** in the aggregate in a calendar year.

### ***UNLIMITED CONTRIBUTIONS***

Act 117 provides that certain contributions may be made in unlimited amounts, subject to the prohibitions on IEC, corporate, labor union, and tribal contributions and the \$12,000 limitations on certain contributions. The following contributions are unlimited if they come from a permissible source:

- Contributions to a PAC.
- Contributions transferred between PACs.
- Contributions to a legislative campaign committee (subject to \$12,000 limits from certain entities).
- Contributions to a political party (subject to \$12,000 limits from certain entities).
- Contributions to a candidate committee by a political party or legislative campaign committee.
- Contributions to a segregated fund established and administered by a political party or legislative campaign committee for purposes other than making contributions to a candidate committee or making disbursements for express advocacy (subject to \$12,000 limits from certain entities).
- Contributions a candidate makes to his or her own candidate committee from the candidate's personal funds or property or the personal funds or property that are owned jointly or as marital property with the candidate's spouse.
- Contributions transferred between candidates for Governor and Lieutenant Governor of the same political party.
- Contributions used to pay legal fees and other expenses incurred as a result of an election recount.
- Contributions used to pay legal fees and other expenses connected to circulating, offering to file, or filing a petition to recall an officeholder prior to the time that a recall primary or election is ordered, or after that time if incurred to contest or defend the order.
- Contributions to a recall committee.

- Contributions to a referendum committee.
- Contributions to an IEC.

## **COORDINATION**

Act 117 prohibits specified actors from coordinating with a candidate, legislative campaign committee, or political party on express advocacy that exceeds a particular dollar threshold or that violates source restrictions.

Specifically, the Act prohibits individuals, PACs, IECs, or others required to report express advocacy made shortly before an election from making an expenditure for express advocacy for the benefit of a candidate, that is above the contribution limit or in violation of source restrictions, and that is coordinated with any of the following: (a) the candidate; (b) the candidate's committee; (c) the candidate's agent; (d) any legislative campaign committee of the candidate's political party; or (e) a political party. An expenditure for express advocacy is "coordinated" if either 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 PAC, IEC, other person, or individual making the expenditure to specifically request the expenditure benefiting the candidate; and the PAC, IEC, other person, or individual explicitly assents to the request before making the expenditure.
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.

The following actions are not considered prohibited coordination:

- Candidates endorsing and soliciting contributions for other candidates.
- Candidates, candidate committees, legislative campaign committees, and political parties responding to inquiries about a candidate's or political party's position on legislative or policy issues.
- Using publicly available information to create, produce, or distribute a communication if the use does not constitute coordination, as described above.

Act 117 does not prohibit coordination on "issue advocacy," which is commonly understood to mean any communication that is not "express advocacy." Further, the Act does not prohibit coordination on express advocacy below the contribution limit for a particular candidate or committee. An actor (who is not otherwise prohibited) can coordinate express advocacy with a candidate up to the contribution limit for that candidate, but this coordinated express advocacy must be reported in the following manner: (1) a candidate who coordinates with another actor on express advocacy must report the amount spent by the other actor as a contribution; and (2)

a PAC or IEC making an expenditure for express advocacy must also report the expenditure as part of its required reporting.<sup>7</sup>

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Katie Bender-Olson, Senior Staff Attorney, and Jessica Karls-Ruplinger, Deputy Director, on January 15, 2016.

Attachment

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<sup>7</sup> For example, if a PAC spends \$1,500 on express advocacy that is coordinated with a candidate for State Senate, the PAC must include that expenditure on reports it submits to the Ethics Commission and the Senate candidate must report the amount as a \$1,500 contribution made by the PAC. The \$1,500 coordinated express advocacy is permitted because it falls below the \$2,000 contribution limit for the office.

**IMPORTANT CAMPAIGN FINANCE DEFINITIONS**

CANDIDATE: An individual about whom one or more of the following applies:

- (1) The individual takes any of the following affirmative actions to seek nomination or election to a state or local office:
  - a) Files nomination papers with the appropriate filing officer.
  - b) Is nominated as a candidate for state or local office by a caucus or by a political party and the nomination is certified to the appropriate filing officer.
  - c) Receives a contribution, makes a disbursement, or gives consent for another person to receive a contribution or make a disbursement in order to bring about the individual's nomination or election to a state or local office.
- (2) The individual holds a state or local office and is the subject of a recall petition.
- (3) The individual holds a state or local office.

CANDIDATE COMMITTEE: A committee authorized by a candidate or a candidate's agent to make or accept contributions or to make disbursements in support of a candidate's campaign.

CANDIDATE'S AGENT: An individual who has control over the day-to-day operation of the candidate committee, not including an employee of a political party or a legislative campaign committee that is not also an employee of the candidate.

COMMITTEE: A candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee.

CONDUIT: A person (other than an individual) that receives a contribution of money, deposits the contribution in an account held by the person, and releases the contribution to a candidate committee, legislative campaign committee, political party, or political action committee at the direction of the contributor.

CONTRIBUTION: Any of the following:

- (1) A gift, subscription, loan, advance, or transfer of money to a committee.
- (2) With the committee's consent, a transfer of tangible personal property or services to a committee.
- (3) A transfer of funds between committees.

- (4) The purchase of a ticket for a fundraising event for a committee regardless of whether the ticket is used to attend the event.

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 provision, 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 on 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 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 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.

- (13) An expenditure of funds by a sponsoring organization for a political action committee's administrative or solicitation expenses.
- (14) An expenditure of funds by a sponsoring organization for an independent expenditure committee's administrative or solicitation expenses.
- (15) An expenditure of funds by a sponsor for a conduit's administrative or solicitation expenses.

DISBURSEMENT: 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.

A "disbursement" **does not include** any of the following:

- (1) A communication made exclusively between an organization and its members. In this provision, 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 on 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 a political action committee's administrative or solicitation expenses.
- (6) An expenditure of funds by a sponsoring organization for an independent expenditure committee's administrative or solicitation expenses.

- (7) An expenditure of funds by a sponsor for a conduit's administrative or solicitation expenses.
- (8) An expenditure of funds for a political action committee's fundraising and administrative expenses.
- (9) An expenditure of funds for an independent expenditure committee's fundraising and administrative expenses.
- (10) An expenditure of funds for a conduit's fundraising and administrative expenses.

EXPRESS ADVOCACY: 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: (1) "vote for"; (2) "elect"; (3) "support"; (4) "cast your ballot for"; (5) "Smith for ... (an elective office)"; (6) "vote against"; (7) "defeat"; (8) "reject"; or (9) "cast your ballot against".

INDEPENDENT EXPENDITURE: 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, Stats.

INDEPENDENT EXPENDITURE COMMITTEE (IEC): Any person (other than an individual) or any permanent or temporary combination of 2 or more persons unrelated by marriage that: (1) 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 (2) 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. Total spending does not include a committee's fundraising or administrative expenses.

LEGISLATIVE CAMPAIGN COMMITTEE: A committee organized in either house of the legislature to support a candidate of a political party for legislative office.

OBLIGATION: Any express agreement to make a disbursement, including: (1) a loan or loan guarantee; (2) a promise or a payment to purchase, rent or lease tangible personal property; or (3) a promise or a payment for a service that has been or will be performed.

POLITICAL ACTION COMMITTEE (PAC): Any person (other than an individual) or any permanent or temporary combination of 2 or more persons unrelated by marriage that: (1) has the major purpose of express advocacy, 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 (2) uses more than 50 percent of its total spending in a 12-month period on expenditures for express advocacy, expenditures made to support or defeat a referendum, and contributions made to a

candidate committee, legislative campaign committee, or political party. Total spending does not include a committee's fundraising or administrative expenses.

“Political action committee” does not include a candidate committee, legislative campaign committee, political party, or recall committee.

POLITICAL PARTY: A state committee: (1) under whose name candidates appear on a ballot at any election and all county, legislative, local, and other affiliated committees authorized to operate under the same name; and (2) that makes and accepts contributions and makes disbursements to support or oppose a candidate for state or local office or to support or oppose a referendum held in this state.

“Political party” does not include a legislative campaign committee.

RECALL COMMITTEE: A committee formed to support or oppose the recall of an incumbent elective official holding a state or local office.

REFERENDUM COMMITTEE: An entity that does all of the following:

- (1) The entity either:
  - a) Has the major purpose of making expenditures to support or defeat a referendum, as specified in the entity's organizational or governing documents, the entity's bylaws, resolutions of the entity's governing body, or registration statements filed by the entity under ch. 11, Stats.; or
  - b) Uses more than 50 percent of its total spending in a 12-month period on expenditures made to support or defeat a referendum. Total spending does not include a committee's fundraising or administrative expenses.
- (2) The entity is organized by any person (other than an individual) or by any permanent or temporary combination of 2 or more persons unrelated by marriage.
- (3) The entity does not receive contributions or make disbursements or contributions for the purpose of influencing or attempting to influence a candidate's nomination or election.

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**WISCONSIN LEGISLATIVE COUNCIL**

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536

Telephone: (608) 266-1304 • Fax: (608) 266-3830

Email: [leg.council@legis.wisconsin.gov](mailto:leg.council@legis.wisconsin.gov)

<http://www.legis.wisconsin.gov/lc>