

CHAPTER 11

CAMPAIGN FINANCING

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11.001 Declaration of policy. (1) The legislature finds and declares that our democratic system of government can be maintained only if the electorate is informed. It further finds that excessive spending on campaigns for public office jeopardizes the integrity of elections. It is desirable to encourage the broadest possible participation in financing campaigns by all citizens of the state, and to enable candidates to have an equal opportunity to present their programs to the voters. One of the most important sources of information to the voters is available through the campaign finance reporting system. Campaign reports provide information which aids the public in fully understanding the public positions taken by a candidate or political organization. When the true source of support or extent of support is not fully disclosed, or when a candidate becomes overly dependent upon large private contributors, the democratic process is subjected to a potential corrupting influence. The legislature therefore finds that the state has a compelling interest in designing a system for fully disclosing contributions and disbursements made on behalf of every candidate for public office, and in placing reasonable limitations on such activities. Such a system

must make readily available to the voters complete information as to who is supporting or opposing which candidate or cause and to what extent, whether directly or indirectly. This chapter is intended to serve the public purpose of stimulating vigorous campaigns on a fair and equal basis and to provide for a better informed electorate.

(2) This chapter shall be construed to impose the least possible restraint on persons or organizations whose activities do not directly affect the elective process, consistent with the right of the public to have a full, complete and readily understandable accounting of those activities intended to influence elections.

(3) This chapter is declared to be enacted pursuant to the power of the state to protect the integrity of the elective process and to assure the maintenance of free government.

History: 1973 c. 334.

Campaign finance in Wisconsin after Buckley 1976 WLR 816.

11.01 Definitions. As used in this chapter:

(1) "Candidate" means every person for whom it is contemplated or desired that votes be cast at any election held within this state, whether or not such person is elected or nominated, other than a candidate for national office, and who either tacitly or expressly consents to be so considered. A person does not cease to

be a candidate for purposes of compliance with this chapter or ch. 12 after the date of an election and no person is released from any requirement or liability otherwise imposed under this chapter or ch. 12 by virtue of the passing of the date of an election.

(2) "Charitable organization" means any organization described in section 170 (c) (2) of the internal revenue code, and also includes the United States, any state, territory or possession, the District of Columbia and any political subdivision thereof, when a gift is made exclusively for public purposes; but does not include any private organization conducting activities for political purposes.

(3) "Committee" or "political committee" means any person other than an individual and any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements for political purposes, whether or not engaged in activities which are exclusively political, except that a "committee" does not include a political "group" under this chapter.

(4) "Communications media" means newspapers, periodicals, commercial billboards and radio and television stations, including community antenna television stations.

(5) "Contribution" means:

(a) A gift, subscription, loan, advance, or deposit of money or anything of value (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), made for political purposes. In this paragraph "anything of value" means a thing of merchantable value.

(b) A transfer of personalty, including but not limited to campaign materials and supplies, valued at the replacement cost at the time of transfer.

(c) A contract, promise or agreement, if legally enforceable, to make a contribution for any such purpose under par. (a).

(d) A transfer of funds between candidates, committees, individuals or groups subject to a filing requirement under this chapter.

(e) The purchase of a ticket for a meal, rally or other fund-raising event for a purpose under par. (a), whether or not actually utilized.

(f) The distribution of any publication or advertising matter for any purpose under par. (a) other than by a registrant under s. 11.05, or as provided in s. 11.29.

(g) Notwithstanding the foregoing meanings of "contribution", the term does not include:

1. Services for a political purpose by an individual on behalf of a registrant under s. 11.05

who is not compensated specifically for such services;

2. The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for a purpose under par. (a) if no funds are raised with the knowledge of the host;

3. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers the individual's personal services in support of or in opposition to a candidate;

4. The costs of preparation and transmission of personal correspondence, provided such material is not reproduced by machine for distribution; or

5. Compensation or fringe benefits incidental to employment provided by an employer to regular employees or pensioners who are not compensated specifically for services performed for a political purpose, and not in excess of that provided to other regular employees or pensioners of like status.

(6) "Disbursement" means:

(a) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (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), made for political purposes. In this paragraph, "anything of value" means a thing of merchantable value.

(b) A transfer of personalty, including but not limited to campaign materials and supplies, valued at the replacement cost at the time of transfer.

(c) A contract, promise, or agreement, if legally enforceable, to make a disbursement for any purpose under par. (a).

(d) Notwithstanding the foregoing meanings of "disbursement", the term does not include:

1. The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for a purpose under par. (a) if no funds are raised with the knowledge of the host;

2. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers the individual's personal services in support of or in opposition to a candidate;

3. The costs of preparation and transmission of personal correspondence, provided such material is not reproduced by machine for distribution;

4. A gift of any thing of value constituting a contribution made directly to a registrant by another, except that such gift is a disbursement made by the recipient when received or if received in the form of money, when disbursed; or

5. Compensation or fringe benefits incidental to employment provided by an employer to regular employes or pensioners who are not compensated specifically for services performed for a political purpose, and not in excess of that provided to other regular employes or pensioners of like status.

(7) "Filing officer" means the official or agency determined in accordance with s. 11.02.

(8) "Filing requirement" means the continuing duty to file reports of contributions, disbursements or incurred obligations with the appropriate filing officer.

(9) "Group" or "political group" means any person other than an individual and any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements for the purpose of influencing the outcome of any referendum whether or not engaged in activities which are exclusively political.

(10) An act is "in support of" or "in opposition to" a candidate when it is done with the primary purpose, or when it carries the substantial consequence, of influencing voting at an election for public office. Such an act does not include the making of a contribution or disbursement for the maintenance of permanent offices or the employment of continuing staff for a continuing political party or permanent committee.

(11) "Incurred obligation" means every express obligation to make any contribution or disbursement including all loans, indorsements, undertakings and guarantees of obligations or payments for any goods, or for any services which have been performed or are to be performed in the future, incurred by a candidate, committee, individual or group for political purposes.

(12) "Intentionally" has the meaning given under s. 939.23.

(12m) "Labor organization" means any employe organization in which employes participate and which exists primarily for the purpose of engaging in collective bargaining with any employer concerning grievances, labor disputes, wages, hours or conditions of employment, or the promotion and advancement of the professional or occupational standards and the welfare of its members and families and any organization established for the same purposes composed of individuals or affiliates of any such employe organization.

(13) "Local office" means any elective office other than a state or national office.

(14) "National office" means the offices of president and vice president of the United States, U.S. senator and U.S. congressman.

(15) "Personal campaign committee" means a temporary committee formed for the exclusive purpose of electing or reelecting a candidate to office which is under the direct control of the candidate.

(16) An act is for "political purposes" when by its nature, intent or manner it directly or indirectly influences or tends to influence voting at any election. Such an act includes support or opposition to a person's present or future candidacy or to a present or future referendum. A "political purpose" does not include expenditures for defense attorney's fees and other legal fees, costs and expenses, or payments supporting any person subject to criminal prosecution for violation of state or federal law, or for any agent or dependent of such a person.

(17) "Printer" means any person who accepts work for printing, imprinting, lithographing, photolithographing, rotogravure, gravure, letterpress, mimeographing, stenciling, photostating, multilithing, multigraphing, steel die engraving, silkscreening or by any other means reproducing or manufacturing political advertisements or campaign devices of any kind, including but not limited to campaign literature, billboard advertising, special clothing, buttons, pens, stickers, banners and streamers, in support of or in opposition to any candidate, political party or referendum, whether or not a charge is assessed for such work; excepting candidates, committees, individuals and groups subject to a filing requirement under this chapter.

(18) "Referendum" means any advisory, validating or ratifying question to be submitted to the electorate.

(19) "Salary" means the highest salary to which any candidate for a particular office would, if elected, be entitled during the first year of incumbency.

(20) "State office" means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, justice of the supreme court, court of appeals judge, circuit court judge, state senator and state representative to the assembly.

(21) "Voluntary committee" means a committee acting in support of or in opposition to any candidate or combination of candidates the

formation of which a candidate or the candidate's agent does not encourage and over which a candidate or agent has no control or direction.

History: 1973 c. 334; 1975 c. 93, 199; 1977 c. 187, 427.

Subs (9), (10) and (16) are constitutional only if narrowly construed to apply only to acts of express advocacy of the election or defeat of an identified candidate or referendum result. 65 Atty. Gen. 145.

11.02 Determination of filing officer. Except where the filing of duplicate reports or statements is specifically required by law, each person, committee or group subject to s. 11.05 shall have one filing officer. Such officer shall be determined as follows:

(1) The "filing officer" for each candidate for state office and for each committee which or individual who is acting in support of or in opposition to any candidate for state office is the board.

(2) The "filing officer" for each committee which or individual who is acting in support of or in opposition to any candidates for state and local offices is the board.

(3) The "filing officer" for each candidate for local office and for each committee which or individual who is acting in support of or in opposition to any candidate for local office, but not any candidate for state office, is the clerk of the most populous jurisdiction for which any candidate who is supported or opposed seeks office.

(4) The "filing officer" for each group which or individual who is acting in support of or in opposition to any statewide referendum is the board.

(5) The "filing officer" for each group which or individual who is acting in support of or in opposition to any statewide and local referenda is the board.

(6) The "filing officer" for each group which or individual who is acting in support of or in opposition to any local referendum, but not any statewide referendum, is the clerk of the most populous jurisdiction in which any referendum being supported or opposed is conducted.

(7) If the jurisdiction under sub. (3) or (6) is a school district, the appropriate clerk is the city clerk in the case of a city school district. In the case of any other school district, the appropriate clerk is the school district clerk.

History: 1975 c. 93.

11.03 Nonapplicability. (1) Elections for the positions of presidential elector, convention delegate and party committeeman are not subject to ss. 11.05 to 11.23, 11.26 to 11.29 and 11.31.

(2) This chapter does not apply to any candidate for national office acting exclusively in support of the candidate's own campaign, with respect to such activities only.

(3) This chapter does not apply to any individual or committee acting exclusively in support of or in opposition to a) candidates for national office; or b) other individuals and committees exclusively supporting or opposing candidates for national office.

History: 1973 c. 334; 1975 c. 93, 199.

11.04 Registration and voting drives. Sections 11.05 to 11.23, 11.26 and 11.31 do not apply to nonpartisan campaigns to increase voter registration or voting at any election that are not directed at supporting or opposing any specific candidate, political party, or referendum.

History: 1973 c. 334.

11.05 Registration of political committees, groups and individuals. (1) Every political party committee, every other political committee other than a personal campaign committee, and every political group under s.

11.23 which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a verified statement with the appropriate filing officer giving the information required by sub. (3). In the case of any committee other than a personal campaign committee, the statement shall be filed by the treasurer. A personal campaign committee shall register under sub. (2g) or (2r).

(2) Every individual, other than a candidate or agent, who accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a verified statement with the appropriate filing officer giving the information required by sub. (3).

(2g) Every candidate as defined in s. 11.01 (1) shall file a verified registration statement with the appropriate filing officer giving the information required by sub. (3). If a candidate appoints another person as campaign treasurer the candidate's registration statement may be filed by the appointed treasurer. A candidate who receives no contributions and makes no disbursements shall file such statement as provided in s. 11.10 (1) but need not appoint a campaign treasurer or designate a campaign depository until the first contribution is received or disbursement made.

(2r) Any person, committee or group other than a committee or individual required to file an oath under s. 11.06 (7) who or which does not anticipate accepting contributions, making disbursements or incurring obligations in an aggregate amount in excess of \$250 in a calendar year may indicate on its verified registration statement that the person, committee or group will not accept contributions, incur obligations

or make disbursements in the aggregate in excess of \$250 in any calendar year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. Such registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation or the date that aggregate contributions, disbursements or obligations for the calendar year exceed \$250, whichever is earlier, but if the revocation is not timely, the registrant violates s. 11.27 (1).

(3) The statement of registration shall include, where applicable:

(a) The name and mailing address of the committee, group or individual.

(b) The names, mailing addresses, and relationships of affiliated or connected organizations.

(c) In the case of a committee, a statement as to whether the committee is a personal campaign committee, a political party committee, or a special interest committee.

(d) The area, scope, or jurisdiction of the committee, group or individual.

(e) The name and mailing address of the campaign treasurer and any other custodian of books and accounts. Unless otherwise directed by the registrant on the registration form, all mailings required by law shall be sent to the treasurer at the treasurer's address indicated upon the form.

(f) The name, mailing address, and position of other principal officers, including officers and members of the finance committee, if any.

(fm) A statement as to whether the registrant will be supporting or opposing any candidate, or any other registrant or proposed registrant who will be supporting or opposing any candidate, at any primary or election, and if so which primary and which election.

(g) The name, mailing address, office sought, and party affiliation, if any, of:

1. Each candidate whom the committee or individual is supporting or opposing, if known at the time of registration.

2. If the committee or individual is supporting the entire ticket of any political party, the name of the party.

(h) The nature of any referendum which is supported or opposed.

(i) A statement whether the committee or group is a continuing one.

(j) The sources of the registrant's income and the purposes for which disbursements are expected to be made.

(k) The disposition of residual funds which will be made in the event of dissolution or cessation of political activities.

(l) The name and address of the campaign depository and of any other institution where funds are kept and the account number of the depository account and of each additional account and safety deposit box used.

(m) A statement of the reports required to be filed by the committee, group or individual with national or other filing officers, and, if so, the names, mailing addresses, and positions of such persons.

(n) In the case of a labor organization or separate segregated fund under s. 11.38 (1) (a) 2 created by a labor organization, a statement as to whether the organization is incorporated, and if so, the date of incorporation and whether or not such incorporation is under ch. 181.

(4) Every committee under this chapter which in addition operates as a political group must register under this section as a group. Every group which in addition operates as a political committee must register under this section as a committee.

(5) Any change in information previously submitted in a statement of registration shall be reported to the appropriate filing officer in verified form within 10 days following the change. This period does not apply in case of change of an indication made under sub. (2r). Any such change may be attested only by the officer attesting to the original statement, except that a candidate or campaign treasurer may attest to a change in the statement of a personal campaign committee, and in the case of any other committee or group, the chief executive officer indicated on the statement may attest to a change.

(6) Except as provided in s. 11.10 (1), no person, committee or group subject to a registration requirement may make any contribution or disbursement from property or funds acquired prior to the date of registration under this section.

(7) For purposes of compliance with the registration requirements of this section a husband and wife acting jointly for political purposes shall be considered an "individual" rather than a "committee".

History: 1973 c. 334; 1975 c. 93, 199, 200; 1977 c. 427.

11.06 Continuing reports; filing requirement and funding procedure. (1) CONTENTS OF REPORT. Except as provided in s. 11.05 (2r), each registrant under s. 11.05 shall make full reports, upon a verified form prescribed by the board, of all contributions received, contributions or disbursements made, and obligations incurred. The reports required to be filed by this subsection shall be cumulative during the

calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. Each report shall contain the following information, covering the period since the last date covered on the previous report, unless otherwise provided:

(a) An itemized statement giving the date, full name and street address of each contributor who has made a contribution in excess of \$20, or whose contribution if \$20 or less aggregates more than \$20 for the calendar year, together with the amount of such contribution, and the cumulative total for the calendar year.

(b) The occupation and principal place of business, if any, of each individual contributor whose cumulative contributions for the calendar year are in excess of \$100.

(c) The name and address of each registrant from which transfers of funds were received or to which transfers of funds were made, together with the dates and amounts of such transfers.

(d) An itemized statement of other income in excess of \$20, including interest, returns on investments, rebates and refunds received.

(e) An itemized statement of contributions over \$20 from a single source returned to donor or donated, with the full name and mailing address of the donor or donee.

(f) An itemized statement of each loan in an aggregate amount or value in excess of \$20, together with the full name and mailing address of the lender and endorser, if any, and the date and amount of such loan.

(g) An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name of the person or business to whom the disbursement was made, and the date and specific purpose for which such disbursement was made.

(h) 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.

(i) A statement of the aggregate contributions received and accepted, aggregate contributions returned, and aggregate contributions donated in accordance with this chapter; of the aggregate disbursements made; of the aggregate transfers of funds made to or received from other registrants; and the aggregate obligations incurred.

(j) A statement of the cash balance on hand at the beginning and end of the reporting period.

(2) WHEN TRANSACTIONS REPORTABLE. (a) A contribution is received by a candidate for purposes of this chapter when it is under the control of the candidate or campaign treasurer,

or such person accepts the benefit thereof. A contribution is received by an individual, group or committee, other than a personal campaign committee, when it is under the control of the individual or the committee or group treasurer, or such person accepts the benefit thereof.

(b) Unless it is returned or donated within 10 days of receipt, any such contribution must be reported as received and accepted on the date received. This subsection applies notwithstanding the fact that the contribution is not deposited in the campaign depository by the reporting deadline.

(c) All contributions received by any person acting as an agent of a candidate or treasurer shall be reported within 3 days by such person to the candidate or treasurer. In the case of a contribution of money, the agent shall within 5 days transmit the contribution to the candidate or treasurer.

(d) A contribution, disbursement or obligation made or incurred for the benefit of a candidate is reportable by the candidate or the personal campaign committee if it is made or incurred with the encouragement, direction or control of the candidate or the campaign treasurer.

(3) REPORT MUST BE COMPLETE. A registered individual or treasurer of a group or committee shall make a good faith effort to obtain all required information. The first report shall commence no later than the date that the first contribution is received and accepted or the first disbursement is made. Each report shall be filed with the appropriate filing officer on the dates designated in s. 11.20. The individual or the treasurer of the group or committee shall certify the correctness of each report. In the case of a candidate, the candidate or treasurer shall certify the correctness of each report.

(4) PURPOSE OF DISBURSEMENTS; PROCEDURE; APPORTIONMENT. (a) An individual, group or committee which is registered under s. 11.05 may make disbursements for any lawful political purpose.

(b) Except with respect to the amount specified in s. 11.05 (1) and (2), every committee or individual making disbursements in support of or in opposition to a candidate, except a voluntary committee or individual under sub. (7), must proceed under s. 11.12 (1).

(c) Where a disbursement is made in support of more than one candidate, the disbursement shall be apportioned reasonably among the candidates.

(5) RETURN OF CONTRIBUTIONS. A registrant may return a contribution at any time, before or after acceptance. If a contribution is

accepted contrary to law, the subsequent return does not constitute a defense to a violation.

(6) REFERENDUM REPORTS SEPARATED. Any report of a committee which concerns activities being carried on as a political group under this chapter shall contain separate treatment of such activities.

(7) VOLUNTARY OATH. Every voluntary committee and every individual who desires to accept contributions and make disbursements during any calendar year, in support of or in opposition to any candidate in any election shall file with the registration statement under s. 11.05 a statement under oath affirming that all contributions are accepted and disbursements made without the encouragement, direction or control of any candidate who is supported or opposed. Any person who falsely makes such an oath, or any committee or agent of a committee who carries on any activities with intent to violate such oath is guilty of a violation of this chapter.

(8) CONTINUING DUTY. Except as provided in ss. 11.05 (2r) and 11.19 (3), the duty to file reports under this section continues until a termination report is filed in accordance with s. 11.19.

(9) DISTRIBUTION OF FORMS. The appropriate filing officers shall distribute forms for reports under this section pursuant to ss. 11.21 (2) and 11.22 (3). Failure to receive a form does not exempt the committee, individual or group from compliance with this section.

History: 1973 c. 334; 1975 c. 93 ss. 47 to 53, 119 (2); 1975 c. 199.

Board should not exercise power of administrative review of minor party exemptions based on reasonable probability of such parties' contributors being subjected to threats, harassment or reprisals. 65 Atty. Gen. 145

Reporting requirements of (1) may not constitutionally be applied to Socialist Workers' Party contributors. Wis. Soc. Wkrs. 1976 Campaign Committee v. McCann, 433 F. Supp. 540.

11.07 Designation of agent by nonresident individuals, committees and groups.

(1) Every nonresident committee or group making contributions and every nonresident individual, committee or group making disbursements exceeding \$25 cumulatively in a calendar year within this state shall file name, mailing and street address and the name and the mailing and street address of a designated agent within the state with the office of the secretary of state. An agent may be any adult individual who is a resident of this state. After any change in the name or address of such agent the new address or name of the successor agent shall be filed within 30 days. Service of process in any proceeding under this chapter or ch. 12, or service of any other notice or demand may be made upon such agent.

(2) During any period within which any individual or organization under sub. (1) fails to appoint or maintain in this state a registered agent, or whenever any such registered agent cannot with reasonable diligence be found at the street address listed on the registration, the secretary of state shall be an agent and representative of such individual or organization upon whom any process, notice or demand may be served. Service on the secretary of state of any such process, notice or demand against any such individual or organization shall be made by delivering to and leaving with him, or with any clerk having charge of his office, duplicate copies of such process, notice or demand. If any process, notice or demand is served on the secretary of state, he shall immediately cause one of such copies to be forwarded by registered mail, addressed to such individual, committee or group at its mailing address as the same appears in the records of the secretary of state. The time within which the defendant may demur or answer does not start to run until 10 days after the date of such mailing.

(3) The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, which shows the date and hour of service and the date of mailing. The certificate of the secretary of state that he was served with a summons and complaint or notice of object of action or with any notice or demand required or permitted by law and that he mailed the same as required by law, shall be evidence of service. If the address of the individual, committee or group is not known or readily ascertainable, mailing is dispensed with, and a copy of the process shall then be published as a class 1 notice, under ch. 985, in the county wherein the last-known registered agent was located and, if unknown, in Dane county.

(4) Nothing in this section limits or affects the right to serve any process, notice or demand required or permitted by law to be served upon a nonresident individual or organization in any other manner permitted by law.

(5) Any campaign treasurer or individual who knowingly receives a contribution made by an unregistered nonresident in violation of this section may not use or expend such contribution but shall immediately return it to the source or at his option, donate the contribution to a charitable organization or to the common school fund.

(6) For purposes of this section, a nonresident individual or organization is one who or which does not maintain an office or street address within the state.

History: 1973 c. 334; 1975 c. 93, 199.

11.08 Reports by party committees. (1)

Every committee of a political party which is required to file statements and reports under this chapter shall file all statements and reports with the board. A state committee of a political party may be designated by a congressional, legislative, county or local party committee as its reporting agent for purposes of this chapter, but such designation does not permit combination of reports. If any committee is so designated, the treasurer of the state committee shall so inform the board.

(2) In addition to the report under sub. (1), each committee of a political party which receives contributions originating in any county shall file a report with the county clerk of the county in which the contributor is domiciled no later than the dates specified in s. 11.20 (4), and s. 11.20 (3) in the case of the September primary and general election. The report shall contain the information required under s. 11.06 (1) (a). This subsection does not apply to the national organization or to any national committee of a political party.

History: 1973 c. 334; 1975 c. 93.

11.09 Duplicate reports required in certain cases. (1)

Every financial report of a candidate for state senator, representative to the assembly and circuit judge, and every report of a voluntary committee or individual under s. 11.06 (7), which is acting in support of or in opposition to such a candidate shall be filed in the manner specified in this section.

(2) If a candidate under sub. (1) seeks election or nomination from a district or circuit which is wholly contained within one county, the candidate shall file a duplicate original of the financial report with the county clerk or board of election commissioners of the county in which the candidate's district is contained no later than the dates specified under s. 11.20 (3) and (4) for filing of each report with the board.

(3) If a candidate under sub. (1) seeks nomination or election from a district or circuit which is located in more than one county, the board shall transmit within 48 hours after receipt a certified duplicate copy of each financial report of such candidate to the county clerk or board of election commissioners of each county any part of which is contained in the district of the candidate.

(4) Every financial report of a voluntary committee or individual acting in support of or in opposition to a candidate under sub. (1) shall be filed in accordance with sub. (2) if the candidate who is supported or opposed seeks office from a district or circuit which is wholly contained within one county. Every financial report

of a voluntary committee or individual acting in support of or in opposition to a candidate under sub. (1) shall be filed by the board in accordance with sub. (3) if the candidate who is supported or opposed seeks office from a district or circuit which is located in more than one county.

(5) In every case where a duplicate report is filed by the board or by any person under subs. (1) to (4), the board shall transmit a certified duplicate copy of the registration statement to each county clerk with whom a duplicate report is filed.

(6) Every financial statement of a candidate for U.S. representative under the federal election campaign act, and every statement of the candidate's principal campaign committee, which is filed with the state as required by such act, shall be transmitted within 48 hours of receipt in the form of a certified duplicate copy by the board, to the county clerk of each county and any part of which is contained in the district of the candidate.

History: 1973 c. 334; 1975 c. 93, 199.

11.10 Campaign treasurers and campaign depositories. (1)

Each candidate in an election shall appoint one campaign treasurer and shall designate one campaign depository within 5 business days after the candidate receives the first contribution and before making any disbursement in behalf of his or her candidacy. The person designated shall be the treasurer of the candidate's personal campaign committee, if any. The candidate may appoint himself or herself or any other elector as campaign treasurer. A verified registration statement under s. 11.05 (2g) or (2r) must be filed by or on behalf of every candidate by the campaign treasurer. The candidate's qualification is not complete until this requirement is met. The campaign treasurer or candidate shall certify as to the correctness of each report required to be filed, and the candidate shall bear the responsibility for the accuracy of each report for purposes of civil liability under this chapter, whether or not the candidate certifies it personally.

(2) A candidate may remove a campaign treasurer at any time. In case of the death, resignation or removal of a campaign treasurer, the candidate shall designate a successor and shall file the successor's name and address with the appropriate filing officer as soon as practicable. Until the successor's name and address is filed, the candidate shall be deemed the campaign treasurer.

(3) Every committee shall appoint a treasurer. Every individual under s. 11.06 (7) shall be deemed his or her own treasurer. No disbursement may be made or obligation incurred

by or on behalf of a committee without the authorization of the treasurer or designated agents. No contribution may be accepted and no disbursement may be made or obligation incurred by any committee at a time when there is a vacancy in the office of treasurer.

(4) No candidate may establish more than one personal campaign committee. Such committee may have subcommittees provided that all subcommittees have the same treasurer, who shall be the candidate's campaign treasurer. The treasurer shall deposit all funds received in the campaign depository. Any committee which is organized with the encouragement, direction or control of a candidate is deemed a subcommittee of the candidate's personal campaign committee.

(5) Candidates for governor and lieutenant governor of the same political party may receive contributions and make disbursements for both candidates from either depository.

History: 1973 c. 334; 1975 c. 93, 199, 200.

11.12 Campaign contributions and disbursements; election reports. (1)

No contribution may be made or received and no disbursement may be made or obligation incurred by a person or committee, except within the amount authorized under s. 11.05 (1) and (2), in support of or in opposition to a specific candidate in an election, other than through the campaign treasurer of the candidate or the candidate's opponent, or by or through an individual or voluntary committee registered under s. 11.05 and filing a statement under s. 11.06 (7).

(2) Any anonymous contribution exceeding \$10 received by a campaign or committee treasurer or by an individual under s. 11.06 (7) may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization at the option of the treasurer.

(3) All contributions, disbursements and incurred obligations exceeding \$10 shall be recorded by the campaign or committee treasurer or the individual under s. 11.06 (7). He or she shall maintain such records in an organized and legible manner, for not less than 3 years after the date of an election in which the registrant participates. If a report is submitted under s. 11.19 (1) or (2), the records may be transferred to a continuing committee or to the appropriate filing officer for retention. Records shall include the information required under s. 11.06 (1).

(4) All contributions, disbursements and incurred obligations shall be reported in accordance with s. 11.20. Each election report shall

contain the same information which is required under s. 11.06 (1).

(5) If any contribution of more than \$500 cumulatively is received by a candidate for state office or by a committee from a single contributor later than 15 days prior to a primary or election such that it is not included in the election report submitted under s. 11.20 (3) (a), the treasurer of the committee or the individual receiving such contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the next regular report. Contributions under this subsection cumulate beginning with the day after the last date covered on the preprimary or pre-election report, and ending with the day before the primary or election.

History: 1973 c. 334; 1975 c. 93 ss. 59, 60, 119 (2); 1975 c. 199.

11.13 Political party may establish pre-campaign committee. (1)

Notwithstanding ss. 11.10 (1) and 11.16 (4), a state committee of a political party may at any time establish a precampaign committee for the purpose of raising contributions to be transferred to any candidate of the party for governor, lieutenant governor, secretary of state, state treasurer or attorney general.

(2) A separate precampaign committee must be established for each office for which the political party desires to use this procedure.

(3) Every precampaign committee shall appoint a single treasurer and shall file reports under s. 11.20 (3) and (4) with the board. No such committee may make or authorize a disbursement or the incurrence of an obligation in support of or in opposition to any candidate. Every contribution which is received by the treasurer shall be deposited in a separate account at the depository of the political party committee and shall be designated as "(Name of political party) Precampaign Fund for (title of office)". However, the committee may operate and be known under any name it desires.

(4) Whenever the state committee of the political party directs, the precampaign committee may dissolve under s. 11.19 and transfer its entire fund to a candidate of the political party for the office designated. If the candidate accepts such transfer, individual contributors to the precampaign committee are considered to be individual contributors to the candidate for purposes of s. 11.26 (9) and shall be reported and treated by the candidate as such. If the candidate rejects such transfer, the precampaign committee may not make any contribution or contributions to him exceeding the amounts

specified under s. 11.26 (2) (a) and shall be treated as a committee contributor for purposes of s. 11.26 (9).

(5) No later than 10 days after the candidate of the political party for the designated office is nominated and entitled to appear on the election ballot, the precampaign committee must dissolve and submit a report under s. 11.19.

(6) All limitations under s. 11.26 are applicable to any contributor to a candidate's campaign committee for that candidate if he accepts the transfer under sub. (4). The committees are considered to have been the same committee after the transfer is effected for purposes of s. 11.26.

(7) Contributions or portions of contributions from individuals to a precampaign committee which are accepted by a candidate may be used to meet the qualifications for receipt of a grant under s. 11.50 (2), provided that they are received within the times prescribed by and identified in accordance with that subsection.

History: 1973 c. 334; 1975 c. 93 ss. 61, 119 (2); 1977 c. 107.

11.14 Deposit of contributions. (1) All funds received by a campaign or committee treasurer, group treasurer or individual shall be deposited in a campaign depository account designated "Campaign Fund of (name of candidate, committee, individual or group subject to filing requirement)". Any bank or trust company which is authorized to transact business in this state may be selected as the depository. The individual or treasurer shall deposit all funds received in the campaign depository no later than the 5th business day commencing after receipt.

(2) After deposit in the campaign depository, funds may be transferred by the individual or treasurer to any other account which is identified under s. 11.05 (3) (1). Funds deposited in other accounts may not be directly disbursed but shall be returned to the depository for purposes of disbursement. Disbursements shall be made only in accordance with s. 11.16 (3).

History: 1973 c. 334; 1975 c. 93.

11.16 Campaign contributions and disbursements; restrictions. (1) No disbursement may be made or obligation incurred by a candidate, or by any other person or committee in support of or in opposition to a candidate, other than an individual who, or a voluntary committee which, has registered under s. 11.05 and filed an oath under s. 11.06 (7), except by the campaign treasurer of the candidate or other agent designated by the candidate and acting under his authority. In the event that an obligation is incurred or disbursement made by

the campaign treasurer or other authorized agent of the candidate, the action is imputable to the candidate for purposes of civil liability under this chapter.

(2) Every contribution of money exceeding \$50 shall be made by negotiable instrument bearing on the face the name of the remitter. No treasurer may accept a contribution made in violation of this subsection. The treasurer shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

(3) Every disbursement which is made by a registered individual or treasurer from the campaign depository shall be made by negotiable instrument bearing on the face "Campaign Fund of (name of candidate, committee, individual or group subject to filing requirement)".

(4) The treasurer of a personal campaign committee may agree with a prospective contributor that a contribution is received to be utilized for a specific purpose not prohibited by law. Such purpose may not include a disbursement in support of or in opposition to another candidate or the transfer to an individual or committee acting in support of or in opposition to another candidate. When a contribution is made to a political party or to an individual or committee other than a candidate or the candidate's personal campaign committee, the purpose may not be specified.

History: 1973 c. 334; 1975 c. 93, 199.

11.19 Dissolution of committees and groups; termination reports. (1) Where any group or committee except a voluntary committee under s. 11.06 (7), disbands or where any such committee, group or individual other than an individual filing an oath under s. 11.06 (7) determines that obligations will no longer be incurred, and contributions will no longer be made or received or disbursements made during a calendar year in an aggregate amount of more than \$250, the committee, group or individual may file a verified termination report with the appropriate filing officer, which shall include information as to the treatment of residual funds which will be disposed of after termination. Residual funds may be used for any political purpose not prohibited by law, returned to the donors in an amount not exceeding the original contribution, or donated to a charitable organization or the common school fund. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1). If a termination report or suspension report under sub. (3) is not filed, or if any such committee, group or individual under this subsection retains an unexpended

balance of contributions or deficit of incurred obligations which exceeds \$250, there shall continue to be filed periodic reports containing the information required by s. 11.06 (1) with the appropriate filing officer, no later than the dates specified in s. 11.20. This subsection does not apply to any registrant making an indication under s. 11.05 (2r).

(2) Where any voluntary committee or individual under s. 11.06 (7) determines that obligations will no longer be incurred, and contributions will no longer be received nor disbursements made during a calendar year, and outstanding incurred obligations are settled, the committee or individual may file a verified termination report with the appropriate filing officer. Residual funds may be used for any political purpose not prohibited by law, returned to the donors in an amount not exceeding the original contribution, or donated to a charitable organization or the common school fund. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1). If a termination report is not filed, there shall continue to be filed periodic reports containing the information required by s. 11.06 (1) with the appropriate filing officer, no later than the dates specified in s. 11.20.

(3) Notwithstanding sub. (1), any registrant other than a voluntary committee or individual under s. 11.06 (7) who or which determines that obligations will no longer be incurred, and contributions will no longer be made or received or disbursements made during a calendar year in an aggregate amount of more than \$250, and who or which retains an unexpended balance of contributions or deficit of incurred obligations not exceeding \$250 may file a verified suspension report with the appropriate filing officer. The report shall be filed and certified as were previous reports and shall contain the information required under s. 11.06 (1). Upon receipt of a properly executed report, the registrant shall be granted a suspension of the filing requirement under s. 11.06 (8) by the appropriate filing officer. Such suspension is effective only for the calendar year in which it is granted, unless the registrant alters its status before the end of such year or files a termination report under sub. (1).

(4) In no case may a candidate or personal campaign committee file a termination or suspension report covering any period ending sooner than the date of the election in which the candidate or committee is participating.

History: 1973 c. 334; 1975 c. 93

11.20 Filing requirements. (1) All reports required by s. 11.06 which relate to activities

which promote or oppose candidates for state office or statewide referenda and all reports under s. 11.08 (1) shall be filed with the board. All such reports which relate to activities which promote or oppose candidates for local office or local referenda shall be filed with the appropriate filing officer under s. 11.02.

(2) Reports under sub. (1) shall cover all contributions and transactions required to be reported during the periods designated in subs. (3), (4) and (7).

(3) Election reports under s. 11.12 by committees or individuals supporting or opposing candidates for office at any primary or election or by committees or individuals supporting or opposing other committees or individuals who are supporting or opposing such candidates, by committees of a political party, and by individuals and groups supporting or opposing a referendum shall be received by the appropriate filing officer:

(a) No earlier than 14 days and no later than 8 days preceding the primary or election; and

(b) No earlier than 21 days and no later than 30 days after the primary or election.

(4) Continuing reports under s. 11.06 (1) by committees or individuals supporting or opposing candidates for office, including committees of a political party, and by individuals or groups supporting or opposing a referendum shall be received by the appropriate filing officer no earlier than January 1 and no later than January 31; and no earlier than July 1 and no later than July 10.

(6) In the event that any report is required to be filed under this section on a nonbusiness day, it may be filed on the next business day thereafter.

(7) Reports filed under subs. (3) and (4) shall include all contributions received and transactions made as of the end of:

(a) The 15th day preceding the primary or election in the case of the pre-primary and pre-election report;

(b) The 20th day after the primary or election in the case of the post-primary and post-election report;

(c) December 31 in the case of the continuing report required by January 31; and

(d) June 30 in the case of the continuing report required by July 10.

(8) (a) Where a requirement is imposed under this section for the filing of a financial report which is to be received by the appropriate filing officer no later than a certain date, the requirement may be satisfied either by actual receipt of the report by the prescribed time for filing at the office of the filing officer, or by filing a report 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 provided by law for receipt of such report.

(b) In any case where the postal service is employed by a person subject to a filing requirement as the agent for transmittal of a report, the burden is upon such person to show that a report 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 report is the date that it was deposited in the mail.

(9) All reports required by this chapter shall be open to public inspection.

(10) If a candidate is unopposed in a primary or election, the obligation to file the reports required by this chapter does not cease. Except as provided in ss. 11.05 (2r) and 11.19 (3), a registrant who makes or receives no contributions, makes no disbursements or incurs no obligations shall so report on the dates designated in subs. (3) and (4).

(11) In the event of failure of a candidate or treasurer to file a report or statement required by this chapter by the time prescribed by law, action may be commenced against the candidate, the campaign treasurer, or the candidate's personal campaign committee, if any, or any combination of them.

History: 1973 c. 334; 1975 c. 93, 199.

11.21 Duties of the elections board. The board shall:

(1) Prescribe forms for making the reports, statements and notices required by this chapter and furnish such forms to local filing officers for distribution under s. 11.22 (1).

(2) Furnish to each candidate, individual, committee or group registered with it under s. 11.05 prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not later than 14 days prior to the applicable filing deadline under s. 11.20, and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed \$250 in a calendar year under s. 11.05 (2r) or to a registrant who has been granted a suspension under s. 11.19 (3). Failure to receive a form does not exempt a registrant from compliance with this chapter.

(3) Prepare, publish, and furnish each person required to file reports and statements with a manual setting forth simply and concisely recommended uniform methods of bookkeeping

and reporting. Manuals shall also be furnished to local filing officers for distribution under s. 11.22 (1).

(4) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(5) Make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which it was received, and permit copying of any such report or statement by hand or by duplicating machine at cost, as requested by any person, provided that any information copied from such reports and statements may not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(6) Compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate, individual, committee or group.

(7) Include in its annual report under s. 5.05 (5) compilations of any of the following in its discretion:

(a) Total reported contributions, disbursements and incurred obligations for all candidates, individuals, committees and groups during the year.

(b) Total amounts expended according to such categories as it may determine and separated according to candidate, political party, and nonparty disbursements on the state and national levels.

(c) Total amounts expended for influencing nominations and elections stated separately.

(d) Total amounts contributed according to such categories of amounts as it determines and separated according to contributions on the state and national levels for candidates, individuals, committees and groups.

(e) Aggregate amounts contributed by any contributors shown to have contributed more than \$100.

(8) Prepare and publish from time to time special reports comparing the various totals and categories of contributions and disbursements made with respect to preceding elections.

(9) Notify the district attorney of the proper county or the governor under ss. 11.60 (4) and 11.61 (2) of any facts within its knowledge or evidence in its possession, including errors or discrepancies in reports or statements and delinquencies in filing, which may be grounds for civil action or criminal prosecution.

(10) Make available a list of delinquents for public inspection.

(11) Receive and maintain in an orderly manner all reports and statements required to

be filed with the state under the federal election campaign act, and in addition shall:

(a) Preserve such reports and statements for a period of 10 years from date of receipt, except that reports and statements relating solely to candidates for the U.S. house of representatives need be preserved for only 6 years from the date of receipt.

(b) Notwithstanding sub. (5), make each report and statement transmitted to it under s. 14.38 (7) available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it is received from the secretary of state.

(c) Compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate who is required to file a report or statement under such act.

(d) In the event that any candidate or committee supporting or opposing a candidate for national office fails to file a timely financial report or statement with the state as required by such act, file a report of such fact with the appropriate federal authority, in the form prescribed by federal law or regulation. Such reports shall be made available for public inspection.

(12) No earlier than 10 days and no later than 7 days prior to each reporting date under s. 11.20, send to every candidate for state or national office and to every committee, group or individual registered under s. 11.05 with it, notice of the reports required by this chapter, of the place and the deadline for filing such reports, and of the penalties for neglecting to file a report. Mailing shall be in the same manner as prescribed by sub. (2). Failure to receive such notification does not exempt any registrant from compliance with this chapter.

(13) Determine whether each financial report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter. In addition to the notice required by sub. (12), the board shall immediately send to any registrant who is delinquent in filing, or who has filed otherwise than in the proper form, a notice that the registrant has failed to comply with this chapter.

(14) Prepare, publish and periodically revise as necessary, a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of chs. 11 and 12. Copies shall be distributed to election officials, to each candidate for state or local office upon

filing nomination papers and to every committee, individual or group upon registering under s. 11.05. Distribution to all others shall be made upon payment of a fee of \$1 per copy.

(15) Periodically review the adequacy of the disbursement limitations imposed under s. 11.31 and submit such recommendations to the legislature for adjustments as it may deem appropriate.

(16) Inform each candidate who files an application to become eligible to receive a grant from the Wisconsin election campaign fund of the dollar amount of the applicable current disbursement limitation under s. 11.31 which applies to the office for which such person is a candidate. Failure to receive the notice required by this subsection does not constitute a defense to a violation of s. 11.27 (1) or 11.31.

History: 1973 c. 334; 1975 c. 93 ss. 73 to 78, 119 (2); 1977 c. 107.

11.215 Federal election campaign reports. The officer or agency designated by the federal election campaign act shall receive all reports and statements required to be filed with the state under the federal election campaign act, and shall promptly transmit such reports or copies thereof to the board, which shall be the agent of the officer or agency designated by such act for purposes of compliance by this state with the federal law. In the event that the federal law at any time permits the state to designate which officer or agency shall receive and maintain reports and statements under the federal election campaign act, the board is designated to be the agency which shall carry out such duties.

(1) Preserve such reports and statements for a period of 10 years from date of receipt, except that reports and statements relating solely to candidates for the U.S. house of representatives need be preserved for only 6 years from the date of receipt.

(2) Compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate who is required to file a report or statement under such act.

(3) Develop a filing, coding, and cross-indexing system consonant with the purposes of such act.

(4) Make the reports and statements filed available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which it was received, and, notwithstanding s. 14.38 (9), permit copying of any such report or statement by hand or by duplicating machine at cost, as requested by any person, provided that any information copied from such

reports and statements may not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

History: 1975 c. 93, 199.

11.22 Duties of local filing officer. Each local filing officer shall:

(1) Obtain reporting forms, manuals and election laws provided by the board under ss. 7.08 (4) and 11.21 (1), (3) and (14) and make them available to registrants under this chapter, to election officials and to members of the general public. Fees shall be collected where required.

(2) Develop a filing, coding and cross-indexing system consonant with the purposes of this chapter.

(3) Furnish to each candidate, individual, committee or group registered with the filing officer under s. 11.05, prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not later than 14 days prior to the applicable filing deadline under s. 11.20 and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed \$250 in a calendar year under s. 11.05 (2r) or to a registrant who has been granted a suspension under s. 11.19 (3). Failure to receive a form does not exempt a registrant from compliance with this chapter.

(4) Notify the district attorney, or the attorney general where appropriate under ss. 11.60 (4) and 11.61 (2) of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution.

(5) Make available a list of delinquents for public inspection.

(6) Compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate, individual, committee or group.

(7) No earlier than 10 days and no later than 7 days prior to each reporting date under s. 11.20, send to every candidate for local office and to every committee, group or individual registered under s. 11.05 with his or her office, notice of the reports required by this chapter, of the place and the deadline for filing such reports, and of the penalties for neglecting to file a report. Mailing shall be in the same manner as prescribed by sub. (3). Failure to receive such notification does not exempt any registrant from compliance with this chapter.

(8) Make the reports and statements filed with the filing officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which it was received, and permit copying of any such report or statement by hand or by duplicating machine at cost, as requested by any person, provided that any information copied from such reports and statements may not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(9) Determine whether each financial report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter. In addition to the notice required by sub. (7), the officer shall immediately send to any registrant who is delinquent in filing, or who has filed otherwise than in the proper form, a notice that the registrant has failed to comply with this chapter.

History: 1973 c. 334; 1975 c. 41; 1975 c. 93 ss. 80 to 86, 119 (2); 1975 c. 199.

11.23 Political groups and individuals; referendum questions. (1) Any group or individual may promote or oppose any referendum in this state. Before making disbursements, receiving contributions or incurring obligations in excess of \$25 in the aggregate in a calendar year for such purposes, the group or individual shall file a verified registration statement under s. 11.05 (1), (2) or (2r). In the case of a group the name and mailing address of each of its officers shall be given in the statement. Every group and every individual under this section shall designate a campaign depository under s. 11.14. Every group shall appoint a treasurer, who may delegate authority but is jointly responsible for the actions of his or her authorized designee for purposes of civil liability under this chapter. The appropriate filing officer shall be notified by a group of any change in its treasurer within 10 days of the change under s. 11.05 (5). The treasurer of a group shall certify the correctness of each statement or report submitted by it under this chapter.

(2) Any anonymous contribution exceeding \$10 received by an individual or group treasurer may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization at the option of the treasurer.

(3) All contributions, disbursements and incurred obligations exceeding \$10 shall be recorded by the group treasurer or the individual. He or she shall maintain such records in an

organized and legible manner, for not less than 3 years after the date of a referendum in which the group or individual participates. If a report is submitted under s. 11.19 (1) or (2), the records may be transferred to a continuing group or to the appropriate filing officer for retention. Records shall include the information required under s. 11.06 (1).

(4) Each group or individual shall file periodic reports as provided in ss. 11.06, 11.19 and 11.20.

(5) Any report of a group which concerns activities being carried on as a political committee under this chapter shall contain separate treatment of such activities.

(6) If any contribution exceeding \$500 cumulatively is received from a single contributor later than 15 days prior to an election such that it is not included in the election report submitted under s. 11.20 (3) (a), the treasurer of the group or the individual receiving such contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the next regular report. Contributions under this subsection cumulate beginning with the day after the last date covered on the preelection report, and ending with the day before the election.

History: 1973 c. 334; 1975 c. 93 ss. 87, 119 (1), (2); 1975 c. 199.

If narrowly construed to apply only to financial transactions directly related to express advocacy of a particular result in a referendum, this section is constitutional. 65 Atty. Gen. 145.

11.24 Unlawful political contributions.

(1) No person may, directly or indirectly, make any contribution other than from funds or property belonging to the contributor. No person may, directly or indirectly, furnish funds or property to another person for the purpose of making a contribution in other than his own name. No person may intentionally accept or receive any contribution made in violation of this subsection.

(2) No person may intentionally accept or receive any contribution made in violation of this chapter.

History: 1973 c. 334.

11.25 Unlawful political disbursements and obligations.

(1) No person, committee or group may intentionally receive or accept any thing of value, or any promise or pledge thereof, constituting a disbursement made or obligation incurred for political purposes contrary to law.

(2) (a) No person, committee or group may make or authorize a disbursement or the incurrance of an obligation from moneys solicited for

political purposes for a purpose which is other than political, except as specifically authorized by law.

(b) Notwithstanding the definition of "political purposes" in s. 11.01 (16), a registrant may accept contributions and make disbursements from a campaign depository for the purposes of payment of legal fees and other expenses as a result of a recount at any election. If such expenses are paid from contributions made to the campaign depository, they are reportable under s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s. 11.06 (1). If contributions from the campaign depository are used for such expenses, they are subject to s. 11.26.

(3) No moneys solicited for political purposes and reported under this chapter may be invested for the purpose of producing income unless the investment is in direct obligations of the United States and of agencies and corporations wholly owned by the United States, commercial paper maturing within one year from the date of investment, preferred shares of a corporation or an interest-bearing account at any financial institution as defined in s. 705.01 (3).

History: 1973 c. 334; 1975 c. 93.

11.26 Limitation on contributions.

(1) No individual may make any contribution or contributions, directly or indirectly, to a candidate for election or nomination to any of the following offices and to any individual or voluntary committee under s. 11.06 (7) acting in support of such a candidate to the extent of more than a total of the amounts specified per candidate:

(a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction and justice of the supreme court, \$10,000.

(b) Candidates for state senator, \$1,000.

(c) Candidates for representative to the assembly, \$500.

(d) Candidates for all other state and local offices, an amount equal to the greater of 1) \$250; or 2) one cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$3,000.

(1m) The contribution limits provided in subs. (1) and (4) do not apply to a candidate who makes any contribution or contributions to his or her own campaign for office from such individual's personal funds or property or the personal funds or property which are owned jointly with the individual's spouse, with respect to any contribution or contributions made to

that candidate's campaign only. A candidate's personal contributions shall be deposited in the campaign depository and reported in the normal manner.

(2) No committee other than a political party committee may make any contribution or contributions, directly or indirectly, to a candidate for election or nomination to any of the following offices and to any individual or voluntary committee under s. 11.06 (7) acting in support of such a candidate to the extent of more than a total of the amounts specified per candidate:

(a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, court of appeals judge and justice of the supreme court, 4% of the value of the disbursement level specified in the schedule under s. 11.31 (1).

(b) Candidates for state senator, \$1,000.

(c) Candidates for representative to the assembly, \$500.

(d) In any jurisdiction or district with a population of 500,000 or more according to the most recent federal census covering the entire jurisdiction or district:

1. For the following county offices:

a. Candidates for county executive, \$6,250.

b. Candidates for district attorney, \$3,750.

c. Candidates for county supervisor, \$400.

2. Candidates for any countywide elective office not treated in subd. 1, \$2,500.

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

a. Candidates for mayor, \$6,250.

b. Candidates for city attorney, \$3,750.

c. Candidates for any other citywide office, \$2,500.

d. Candidates for alderman, \$400.

(e) Candidates for other state and local offices, an amount equal to the greater of 1) \$200; or 2) three-fourths of one cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer; or 3) one percent of the annual salary of the office sought.

(3) The contribution limitations of subs. (1) and (2) apply cumulatively to the entire primary and election campaign in which a candidate participates, whether or not there is a contested primary election. The total limitation may be apportioned in any manner desired between the primary and election. All moneys cumulate regardless of the time of contribution.

(4) No individual may make any contribution or contributions, directly or indirectly, to all candidates for state and local offices or to

any individuals or committees acting in support of or in opposition to such candidates, including committees of a political party, to the extent of more than a total of \$10,000 in any calendar year.

(5) No committee other than a political party committee may make any contributions, directly or indirectly, to all candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction and justice of the supreme court or to any individuals or committees acting in support of or in opposition to such candidates, to the extent of more than a total of \$50,000 in any biennium.

(6) No committee other than a political party committee may make any contributions, directly or indirectly, to all candidates for every state or local office except those specified in sub.

(5), or to any individuals or committees acting in support of or in opposition to such candidates, to the extent of more than a total of \$30,000 in any biennium.

(7) As used in subs. (5) and (6), a "biennium" commences with the beginning of each odd-numbered calendar year and terminates at the end of each even-numbered calendar year.

(8) No political party under s. 5.02 (13) may receive more than a total of \$25,000 in value of its contributions in any calendar year from all other committees, excluding transfers between party committees of such party. No such political party may receive more than a total of \$3,000 in value of its contributions in any calendar year from any specific committee or its subunits or affiliates, excluding political party committees. No committee, other than a political party committee, may make any contribution or contributions, directly or indirectly, to a political party under s. 5.02 (13) in a calendar year exceeding a total value of \$3,000.

(9) (a) No candidate for state or local office may receive and accept more than 65% of the value of the total disbursement level specified in the schedule under s. 11.31 (1) for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party committees.

(b) No candidate for state or local office may receive and accept more than 45% of the value of the total disbursement level specified in the schedule under s. 11.31 (1) for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party committees subject to a filing requirement.

(c) For purposes of this subsection, a "committee" includes the Wisconsin election campaign fund.

(10) 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 contributions of more than 200% of the amounts specified in sub. (1) to the candidate's own campaign from such individual's personal funds or property or the personal funds or property which are owned jointly with the individual's spouse. The contribution limit of sub. (4) applies to amounts contributed by such a candidate personally to the candidate's own campaign and to other campaigns, except that a candidate may exceed the limitation if authorized under this subsection to contribute more than the amount specified to the candidate's own campaign, up to the amount of the limitation.

(11) Excess contributions shall be returned to the donor or treated in accordance with s. 11.12 (2) or 11.23 (2), at the option of the treasurer.

(12) In computing the limitations under this section, any transfer of funds between the candidates for governor and lieutenant governor of the same political party in the general election may be excluded.

(13) Except as provided in sub. (9), contributions received from the Wisconsin election campaign fund are not subject to limitation by this section.

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132.

Constitutionality of various provisions discussed 65 Atty. Gen. 237.

11.27 False reports and statements. (1) No person may submit a false report or statement to a filing officer under this chapter.

(2) In civil actions under this chapter, the acts of every member of a personal campaign committee are presumed to be with the knowledge and approval of the candidate, until it has been clearly proved that the candidate did not have knowledge of and approve the same.

History: 1973 c. 334.

11.29 Communications for political purposes. (1) Nothing in this chapter restricts any corporation, cooperative or voluntary association other than a political party or personal campaign committee from making disbursements for the purpose of communicating only with its members, shareholders, patrons or subscribers to the exclusion of all other persons, with respect to endorsements of candidates, positions on a referendum to be submitted to the voters or explanation of its views or interests,

without reporting such activity. No such corporation, cooperative or voluntary association may solicit contributions from persons who are not members, shareholders, patrons or subscribers to be used for such purposes.

(2) Notwithstanding s. 11.12 (1), a political party committee may make single communications to its members at periodic intervals with respect to an explanation of its views or interests, a position on a referendum to be submitted to the voters, or endorsement of an entire slate of candidates at any jurisdictional level or levels. Such activity shall be reported by the party committee.

(3) No communications medium may be utilized for communications authorized under this section unless the medium is restricted solely to members, shareholders, patrons or subscribers.

History: 1973 c. 334; 1975 c. 93 s. 119 (1).

11.30 Identification of political contributions, disbursements and communications. (1)

No disbursement may be made or obligation incurred anonymously, and no contribution or disbursement may be made or obligation incurred in a fictitious name or by one person or organization in the name of another for any political purpose.

(2) The source of all printed advertisements, billboards, handbills, sample ballots, paid television and radio advertisements and other communications intended for political purposes shall clearly appear thereon. In the case of a communication in support of or in opposition to a specific candidate the communication must contain the name of the candidate and be identified by the words "Paid for by" followed by the name of the individual, treasurer or other authorized agent of the candidate on whose behalf the communication is made. Communications made by a candidate who is serving as his or her own treasurer need contain only the words "Paid for by" followed by the name and address of the candidate. A voluntary committee or individual under s. 11.06 (7) shall also in every communication in support of or in opposition to a candidate affirm that the committee or individual is the sole source of the communication and that it is made without the encouragement, direction or control of the candidate who is being supported or opposed. In any other communication intended for political purposes the name of the group, committee or other sponsoring organization making the actual payment for the communication, its chief executive officer must be stated. An individual shall also state his or her name in making such communications. Communications under this section by a personal campaign committee may identify the committee or any bona fide subcommittee

thereof. This subsection does not apply to the transmittal of personal correspondence which is not reproduced by machine for distribution. No person may publish or disseminate, or cause to be published or disseminated any communication in violation of this subsection.

(3) (a) This subsection applies to the following persons who own any financial interest in a newspaper or periodical circulating in this state or in any radio or television station located in this state:

1. Every person occupying any office or position with an annual compensation over \$300, under the constitution or laws of the United States or of this state or under an ordinance of any municipality of this state.

2. Every candidate or member of any committee or group under this chapter.

3. Every individual registered under s. 11.05.

(b) Any person named in par. (a) is guilty of a violation of this chapter unless, before using the communications medium for political purposes other than as provided for in sub. (2), there is filed with the board a verified declaration specifically stating the communications medium in which he has financial interest or over which he has control and the exact nature and extent of the interest or control.

(4) No owner or other person with a financial interest in a communications medium may utilize such medium in support of or in opposition to a candidate or referendum except as provided in this chapter. This chapter shall not be construed to restrict fair coverage of bona fide news stories, interviews with candidates and other politically active individuals, editorial comment or endorsement. Such activities need not be reported as a contribution or disbursement.

History: 1973 c. 334; 1975 c. 93, 199, 224, 422.

11.31 Disbursement levels and limitations; calculation. (1) SCHEDULE. The following levels of disbursements are established with reference to the candidates listed below. Except as provided in sub. (2), such levels do not operate to restrict the total amount of disbursements which are made or authorized to be made by any candidate in any primary or other election.

(a) Candidates for governor, \$150,000 in the primary, and \$350,000 in the election.

(b) Candidates for lieutenant governor, \$100,000 in the primary, and \$50,000 in the election.

(c) Candidates for attorney general, \$125,000 in the primary, and \$125,000 in the general election.

(d) Candidates for secretary of state, state treasurer, justice or state superintendent,

\$40,000 in the primary and \$60,000 in the election.

(dm) Candidates for court of appeals judge, \$15,000 in the primary, and \$25,000 in the election.

(e) Candidates for state senator, \$16,000 total in the primary and election, with disbursements not exceeding \$10,000 for either the primary or the election.

(f) Candidates for representative to the assembly, \$8,000 total in the primary and election, with disbursements not exceeding \$5,000 for either the primary or the election.

(g) In any jurisdiction or district with a population of 500,000 or more according to the most recent federal census covering the entire jurisdiction or district:

1. For the following countywide offices:

a. Candidates for county executive, \$125,000 total in the primary and election, with disbursements not exceeding \$90,000 for either the primary or the election.

b. Candidates for district attorney, \$75,000 total in the primary and election, with disbursements not exceeding \$50,000 for either the primary or the election.

c. Candidates for county supervisor, \$8,000 total in the primary and election, with disbursements not exceeding \$5,000 for either the primary or the election.

d. Candidates for circuit judge, \$15,000 in the primary, and \$25,000 in the election.

2. Candidates for any countywide elective office not treated in subd. 1, \$50,000 total in the primary and election, with disbursements not exceeding \$30,000 for either the primary or the election.

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

a. Candidates for mayor, \$125,000 total in the primary and election, with disbursements not exceeding \$90,000 for either the primary or the election.

b. Candidates for city attorney, \$75,000 total in the primary and election, with disbursements not exceeding \$50,000 for either the primary or the election.

c. Candidates for any other city-wide office, \$50,000 total in the primary and election, with disbursements not exceeding \$30,000 for either the primary or the election.

d. Candidates for alderman, \$8,000 total in the primary and election, with disbursements not exceeding \$5,000 for either the primary or the election.

(h) Candidates for any other state or local office, who are elected from a jurisdiction or district 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 1) \$500; or 2) one-fourth of the annual salary for the office sought; or 3) 15 cents per inhabitant of the jurisdiction or district, but in no event more than \$20,000, for both the primary and the election combined. Within the level of total disbursements specified, the candidates under this paragraph may allocate the disbursements between the primary and the election in any proportion they desire, and may carry over funds from a primary campaign to election campaign. If such a candidate does not participate in a primary campaign, total disbursements may be allocated entirely in the election.

(2) **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 in sub. (1).

(3) **GUBERNATORIAL CAMPAIGNS.** For purposes of compliance with the limitations imposed under sub. (2), candidates for governor and lieutenant governor of the same political party who both accept grants from the Wisconsin election campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b) in the general election and reallocate the total level between them. The candidates shall each inform the board of any such agreement.

(4) **REALLOCATION.** If a candidate or personal campaign committee disburses less than the level under sub. (1) in the primary, the balance may not be added to increase the level in the election.

(5) **SEPARATION OF PERIODS.** A disbursement is made for the purposes of the election under this section when a person or committee contracts for goods to be delivered or services to be performed after the date of the primary, regardless of the time at which the contract is entered into by the contracting person or committee.

(6) **EXCLUSIONS.** In computing the limitations under this section an individual or campaign treasurer may exclude any recount expenses paid from the campaign depository under s. 11.25 (2) (b); all federal, state or local taxes paid; and the cost of facilities rental, entertainment expense, food and beverages (including the preparation and service thereof if contracted to an outside agency), if utilized for a meal, sale, rally or similar fund raising effort

or program which is intended for political purposes. Any such exclusion claimed shall be reported to the appropriate filing officer in such form as the board may require.

(7) **CAMPAIGN DEFINED.** (a) For purposes of this section, the "campaign" of a candidate extends from July 1 preceding the date on which the spring primary or election occurs or January 1 preceding the date on which the September primary or general election occurs for the office which the candidate seeks, or from the date of the candidate's public announcement, whichever is earlier, through the last day of the month following the month in which the election or primary is held.

(b) Disbursements which are made before a campaign period for goods to be delivered or services to be rendered in connection with the campaign are charged against the disbursement limitation for that campaign.

(c) Disbursements which are made after a campaign to retire a debt incurred in relation to a campaign are charged against the disbursement limitation for that campaign.

(d) Disbursements which are made outside a campaign period and to which par. (b) or (c) does not apply are not subject to any disbursement limitation. Such disbursements are subject to s. 11.25 (2).

(9) **COST OF LIVING ADJUSTMENT.** The disbursement levels specified in sub. (1) shall be subject to a biennial cost-of-living adjustment to be determined by rule of the board in accordance with this subsection. The percentage difference between the consumer price index for the 12-month period ending on December 31 of each odd-numbered year and the price index for the base period (calendar year 1974) shall be calculated. The disbursement level specified under sub. (1) shall be increased by such amount each biennium, rounded to the nearest multiple of \$25 in the case of amounts of \$1 or more, which amount shall be in effect until a subsequent rule is adopted under this subsection. In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period (all items--U.S. city average) as determined by the bureau of labor statistics of the U.S. department of labor. Determinations under this subsection may be adopted as an emergency rule under s. 227.027.

History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449.

11.315 Special advertisement by candidate. Notwithstanding ss. 11.12 (1), 11.14, 11.16 (3), 11.26 and 11.31, a candidate may personally make a disbursement from personal funds within 15 days after the general election in which the candidate's name appears on the

ballot for the purpose of placing a single advertisement not exceeding 15 column inches in any or all newspapers in the jurisdiction or district in which a candidate for the purpose of thanking supporters. Such disbursement shall be reported by the candidate or the campaign treasurer under s. 11.06 (1). The advertisement shall be identified in accordance with s. 11.30 (2).

History: 1975 c. 93, 199.

This section unconstitutionally abridges candidate's 1st amendment rights. 65 Atty. Gen. 145.

11.32 Compensation for political advertisements. (1) No owner, agent or employe of any communications medium may solicit, receive or accept any payment, promise or compensation, nor may any person pay, promise to pay or compensate such person, for the purpose of influencing voting at any election through any broadcast or printed matter unless designated as a paid advertisement under s. 11.30.

(2) No person publishing a newspaper or periodical or operating a radio or television station may receive rates for publishing or broadcasting advertising for political purposes in excess of the rate regularly charged for commercial advertising of a similar character and classification. No person, committee or group placing such advertising may pay any rate or charge in excess of the regularly charged rate.

History: 1973 c. 334.

11.33 Use of government mailing privileges. No person elected to state office may use public funds for mailings of 100 or more pieces of substantially identical material after filing nomination papers as a candidate for national, state or local office, until after the date of the election or after the date of the primary election if such person is not nominated. This section does not apply to answers to communications of constituents.

History: 1973 c. 334; 1975 c. 369.

11.34 Solicitation of contributions from candidates restricted. (1) No person may demand, solicit, take, invite or receive from a candidate any payment for a contribution of any thing of value for a religious, charitable or fraternal cause or for any organization other than for a state or county committee of a political party. A candidate may not make, intimate or promise such payment or contribution.

(2) This section does not apply to payment of a regular subscription or contribution by a person to an organization of which he is a member or to which he may have been a regular contributor prior to his candidacy or to ordinary contributions at a regular church service.

History: 1973 c. 334.

11.36 Political solicitation by state employees and officers restricted. No officer or employe of this state may solicit or receive or be involved in soliciting or receiving any contribution or service for any political purpose from any officer or employe of this state while on state time or engaged in his official duties as an officer or employe. Any person who has charge or control in a building, office or room occupied for any purpose by this state shall prohibit the entry of any person for the purpose of making or receiving a contribution. No person may enter or remain in any such building, office or room or send or direct a letter or other notice thereto for the purpose of demanding or collecting a contribution.

History: 1973 c. 334.

11.37 Use of state-owned vehicles and aircraft restricted. No person may use any state-owned vehicle or aircraft primarily for the purposes of campaigning in support of or in opposition to any candidate for national, state or local office after such candidate has publicly declared his candidacy or has filed nomination papers, unless there is paid to the state treasurer the mileage fees specified in s. 20.916 (4) (a). In the case of aircraft, an equitable fee shall be determined by the secretary of administration. Such fees shall be deposited in the account under s. 20.585 (1) (i).

History: 1973 c. 334.

11.38 Corporate political contributions prohibited. (1) (a) 1. No foreign or domestic corporation, or association organized under ch. 185, may make any contribution or disbursement, directly or indirectly, to any political party, committee, group, candidate or individual for any political purpose or to promote or defeat the candidacy of any person for nomination or election to any public office or any referendum to be submitted to the voters.

2. Notwithstanding subd. 1, any such corporation or association may establish and administer a separate segregated fund and solicit contributions from individuals to such fund to be utilized for political purposes by such corporation or association, but the corporation or association may not make any contribution to such fund. Such fund shall appoint a single treasurer and shall register as a political committee or group under s. 11.05. The corporation or association may not expend more than \$500 annually for solicitation of contributions to such fund.

(b) No political party, individual, committee, group or candidate may accept any contribution prohibited by this section.

(2) (a) This section does not affect the right of any individual to support candidates and purposes of his own choosing or his right to subscribe to a regularly published organization newspaper.

(b) This section does not prohibit the publication of periodicals by a corporation or a cooperative in the regular course of its affairs which advise the members, shareholders or subscribers of the disadvantages or advantages to their interests of the election to office of persons espousing certain measures, or of the disadvantageous or advantageous effects of referendum questions.

(c) This section does not apply to any labor organization which is incorporated under ch. 181 prior to January 1, 1978.

(3) A violation of this section by an officer or employe of a corporation is prima facie evidence of a violation by the corporation.

(4) Any corporation which violates this section shall forfeit double the amount of any penalty assessed, as specified in s. 11.60 (3).

(5) An action against a corporation pursuant to a violation of this section may be brought either in the circuit court of the county in which the registered office or principal place of business of the corporation is located, or in the circuit court of the county in which the violation is alleged to have occurred. The proceedings may be brought either by the district attorney of the county where the violation is alleged to have occurred or by the attorney general.

(6) Any individual or campaign treasurer who receives funds in violation of this section shall promptly return such funds to the contributor or donate the funds to the common school fund or a charitable organization, at the treasurer's option.

History: 1973 c. 334; 1975 c. 93; 1977 c. 427.

This section's prohibition against corporate political contributions and disbursements is broad and probably would bar, in most cases, purchases of advertising by a corporation in a political party publication. 65 Atty Gen 10.

11.40 Special privileges from public utilities. (1) In this section:

(a) "Public utility" means any corporation, company, individual or association which furnishes products or services to the public, and which is regulated under ch. 195 or 196, including but not limited to, railroads, telephone or telegraph companies and any company furnishing or producing heat, light, power or water.

(b) "Special privilege" or "privilege" means any thing of value not available to the general public. The term does not include compensation or fringe benefits incidental to employment provided by a public utility to regular employes or

pensioners who are not compensated specifically for services performed for a political purpose, and not in excess of that provided to other regular employes or pensioners of like status.

(2) No public utility or anyone connected therewith may offer or give any special privilege to any candidate for public office or any committee or its members or employes, or any individual under s. 11.06 (7), or to any 3rd party at the request of or for the advantage of any of them.

(3) No candidate for public office or any committee or member or employe thereof or any individual under s. 11.06 (7) may ask for or accept any special privilege from any public utility.

(4) This section does not apply to notaries public or to regular public utility employes or pensioners who are candidates for or hold public offices for which the annual compensation is not more than \$300 so long as the privilege does not exceed those extended to other regular employes or pensioners of the utility.

History: 1973 c. 334; 1975 c. 93; 1977 c. 29 s. 1656 (43).

11.50 Wisconsin election campaign fund.

(1) DEFINITIONS. For the purposes of this section:

(a) "Eligible candidate" means any individual who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state superintendent, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office for which the individual is a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a candidate for state office in the general election, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at the spring or general election; and who has qualified for a grant under sub. (2).

(b) "Fund" means the Wisconsin election campaign fund.

(c) "Grant" means a contribution received from the fund.

(2) PARTICIPATION; APPLICATION. (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2), 8.15 (1) or 8.20 (8) (a), no later than 4:30 p.m. on the 7th day after the primary in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the

contribution limitations prescribed in s. 11.26 (10) and the disbursement limitations prescribed in s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with such limitations at all times to which such limitations apply to his or her candidacy for the office in contest.

(b) The board shall approve the application of an eligible candidate for participation if:

1. The application is timely;
2. The candidate is certified under s. 7.08 (2) (a) to appear upon the spring or general election ballot;

3. The candidate has an opponent who is certified for placement on the election ballot as a candidate for the same office;

4. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary indicate that his or her statement filed with the application under par. (a) is true; and

5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary indicate that the candidate has received at least the percentage of the amount of his or her total authorized disbursement limitation under s. 11.31 which is provided in this subdivision for both the primary and election, from contributions of individuals which have been received during the period ending on the date of the spring primary and July 1 preceding such date, or the date of the September primary and January 1 preceding such date in the case of partisan candidates, which contributions are in the aggregate amount of \$100 or less, and which are fully identified and itemized as to the exact source thereof. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For candidates identified in s. 11.26 (1) (a), the required percentage is 5%. For other candidates, the required percentage is 10%.

(c) If a candidate has not filed financial reports as of the date of the spring or September primary which indicate that he or she has met the qualification under par. (b) 5, the candidate may file a special report with the board. Such report shall be filed not later than the 7th day after the primary, and shall include all information required under s. 11.06 (1), including any supplementary information as to sources of contributions which may be necessary. The special report shall cover the period from the day after the last date covered on the candidate's most recent report, or from the date on which the first contribution was received or the first disbursement was made, whichever is earlier, if the candidate has not previously filed a report, to the date of such report.

(d) For purposes of qualification under par. (b) 4 and 5, the financial reports of a former candidate are considered to be same as if filed by the candidate who is lawfully appointed to replace such candidate whenever a vacancy after nomination occurs.

(e) Whenever a candidate who files nomination papers is unopposed on the deadline for filing such papers but is later opposed by a write-in candidate who qualifies for ballot placement, the application deadline under par. (a) is the same for the candidate who files nomination papers as for his or her opponent.

(f) The board shall inform each candidate in writing of the approval or disapproval of the candidate's application, as promptly as possible after the date of the spring or September primary.

(g) An eligible candidate who voluntarily files an application to receive a grant in accordance with this subsection accepts and agrees to comply with the contribution limitations prescribed in s. 11.26 (10) and the disbursement limitations imposed under s. 11.31 as binding upon himself or herself and his or her agents in both the primary and election campaign, as a precondition to receipt of a grant under this section.

(3) NONPARTISAN CANDIDATES. Annually on August 15, all moneys appropriated to the fund shall be apportioned as follows by the state treasurer:

(a) If an election for state superintendent is scheduled in the following year, 8% of the fund shall be placed in a superintendency account. From this account, an equal amount shall be disbursed to the campaign depository of each eligible candidate by the state treasurer.

(b) If an election for justice is scheduled in the following year, 8% of the fund shall be placed in a supreme court account. From this account, an equal amount shall be disbursed to the campaign depository of each eligible candidate by the state treasurer.

(c) The balance shall be apportioned under sub. (4).

(4) PARTISAN CANDIDATES. After apportionment under sub. (3), the remaining moneys shall constitute the partisan campaign account.

(a) In the partisan campaign account, 25% of the moneys shall be apportioned into an executive campaign account and 75% of the moneys shall be apportioned into a legislative campaign account.

(b) The executive campaign account shall be divided into accounts for each executive office as provided in this paragraph. The apportionment of moneys in the executive campaign account shall be made as follows:

1. Sixty-seven percent to be apportioned between all eligible candidates for governor.

2. Eight percent to be apportioned between all eligible candidates for lieutenant governor.

3. Seventeen percent to be apportioned between all eligible candidates for attorney general.

4. Four percent to be apportioned between all eligible candidates for state treasurer.

5. Four percent to be apportioned between all eligible candidates for secretary of state.

(c) The legislative campaign account shall be divided into a senate campaign account to receive 25% of the moneys, and an assembly campaign account to receive 75% of the moneys. Each account shall then be apportioned between all eligible candidates for the same office in the entire state. No apportionment shall be made by legislative district.

(d) Within the account established under pars. (b) and (c) for each office, the entire amount of all available moneys shall be apportioned in accordance with the certification of the board of state canvassers under s. 7.70 (3)

(e) 1 as follows: Eligible candidates who receive at least 6% of the vote, an equal amount.

(5) TIME OF DISBURSEMENT. The state treasurer shall make the disbursements to the campaign depository of each eligible candidate under subs. (3) and (4) by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c). Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.

(6) EXCESS MONEYS. If the amounts which are to be apportioned to each eligible candidate under subs. (3) and (4) are more than the amount which a candidate may accept under sub. (9), or more than the amount which a candidate elects to accept under sub. (10), the excess moneys shall be retained in the fund.

(7) UTILIZATION. Grants distributed under this section may be utilized only for deposit in a campaign depository account under s. 11.10. Grants may be expended only for the purchase of services from a communications medium or printer, and for office supplies and postage.

(8) LAPSING GRANTS. All grants disbursed under sub. (5) remain the property of the state until disbursed or encumbered for a lawful purpose. All grants which are unspent and unencumbered by any candidate on the day after the election shall revert to the state, up to the total amount of grants awarded to the candidate and shall be deposited in the fund. Any other contributions shall be treated in the same manner.

(9) LIMITATION ON CONTRIBUTIONS FROM FUND. The total grants available to any eligible candidate in an election may not exceed that

amount which, when added to all other contributions accepted from sources other than individuals and committees of a political party, is equal to 45% of the disbursement level specified for the applicable office in the schedule under s. 11.31 (1). The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

(10) VOLUNTARY LIMITATION. Any eligible candidate may by written request limit his or her participation in the fund to a lesser amount than that authorized under sub. (9).

(11) USE RESTRICTED. (a) No grant may be utilized in any primary or special election.

(b) No person may expend, authorize the expenditure of or incur any obligation to expend a grant for any purpose other than to advance the candidacy by lawful means of the specific candidate or candidates who qualify for the grant.

(c) No person may expend, authorize the expenditure of or incur any obligation to expend a grant except for a purpose authorized by sub. (7).

(d) No person may expend, authorize the expenditure of or incur any obligation to expend a grant or other contribution after the date of any election where the moneys contained in such contribution are returnable to the state under sub. (8).

(e) No candidate may expend, authorize the expenditure of or incur any obligation to expend any grant if he or she violates the pledge required under sub. (2) (a) as a precondition to receipt of a grant.

(f) No person may prepare or transmit to a registrant under this chapter or to the board any evidence which purports to demonstrate the amount or purpose for which a grant has been used if such evidence specifies an amount or purpose for which a payment is received other than the true amount or purpose.

(g) If any person expends, authorizes the expenditure of or incurs any obligation to expend any grant under this section in violation of pars. (a) to (f), such person shall be liable to the state in a civil action brought by the board for conversion, for treble the amount of the moneys wrongfully expended, and in addition is subject to penalties as provided in ss. 11.60 and 11.61.

(12) PROOF OF PAYMENT. No later than 30 days after each election in which a candidate receives any grant, the candidate or his or her campaign treasurer shall deliver or transmit to the board by first class mail, sufficient proof of payment for all disbursements made from

grants distributed under this section. This subsection does not restrict the authority of the board to audit records under ss. 5.05 (2) and 13.94 (1) (k).

History: 1977 c. 107, 272.

11.60 Civil penalties. (1) Any person, committee or group who violates this chapter may be required to forfeit not more than \$500 for each violation.

(2) In addition to the penalty under sub. (1), any person, committee or group who is delinquent in filing a report required by this chapter may be required to forfeit not more than \$50 or one per cent of the annual salary of the office for which the candidate is being supported or opposed, whichever is greater, for each day of delinquency.

(3) Notwithstanding sub. (1), whoever makes any contribution in violation of this chapter shall be required to forfeit treble the amount of the contribution or portion thereof which is illegally contributed.

(4) Actions under this section arising out of an election for state or national office or a state-wide referendum may be brought by the board or by the district attorney of the county where the violation is alleged to have occurred, except as specified in s. 11.38. Actions under this section arising out of an election for local office or local referendum may be brought by the district attorney of the county where the violation is alleged to have occurred. If a violation concerns a district attorney or circuit judge or candidate for such offices, the action shall be brought by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint special counsel to bring suit in behalf of the state. The counsel shall be independent of the attorney general and need not be a state employe at the time of his or her appointment.

(5) Any elector may file a verified petition with the board or the appropriate district attorney or both where the authority is concurrent under sub. (4), requesting that civil action under this chapter be brought against any person, committee or group. The petition shall allege such facts as are within the knowledge of the petitioner to show probable cause that a violation of this chapter has occurred.

History: 1973 c. 334; 1977 c. 449.

11.61 Criminal penalties; prosecution.

(1) (a) Whoever intentionally violates ss. 11.05 (1), (2), (2g) and (2r), 11.07 (1) and (5), 11.10 (1), 11.12 (5), 11.23 (6) and 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years or both.

(b) Whoever intentionally violates ss. 11.25, 11.26, 11.27 (1), 11.30 (1) and 11.31 where the intentional violation exceeds \$100 in amount or value may be fined not more than \$10,000 or imprisoned not more than 3 years or both.

(c) Whoever intentionally violates any provision of this chapter other than those provided in par. (a) and whoever intentionally violates any provision under par. (b) where the intentional violation does not exceed \$100 in amount or value may be fined not more than \$1,000, or imprisoned not more than 6 months, or both.

(2) Except as provided in s. 11.38 (5), all prosecutions under this section shall be conducted by the district attorney of the county where the violation is alleged to have occurred. In the event that the district attorney does not act upon a sworn complaint by any person, the attorney general may then conduct the prosecution under this section. If a violation concerns a district attorney or circuit judge or candidate for such offices, the prosecution shall be conducted by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint a special prosecutor to conduct the prosecution in behalf of the state. The prosecutor shall be independent of the attorney general and need not be a state employe at the time of appointment.

(3) (a) If a successful candidate for public office, other than a candidate for the legislature or U.S. congress, is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his candidacy, the court shall after entering judgment enter a supplemental judgment declaring a forfeiture of the candidate's right to office. The supplemental judgment shall be transmitted to the officer or agency authorized to issue the certificate of nomination or election to the office for which the person convicted is a candidate. If his term has not yet begun, the candidate shall not thereafter succeed to office. If his term has begun, the office shall become vacant. The office shall then be filled in the manner provided by law.

(b) If a successful candidate for the legislature or U.S. congress is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his candidacy, the court shall after entering judgment certify its findings to the presiding officer of the legislative body to which the candidate was elected.

History: 1973 c. 334; 1975 c. 93 ss. 117, 119 (1); 1977 c. 449.

11.64 Defense fund authorized. (1) Any candidate or public official who is charged with or being investigated for a criminal violation of this chapter or ch. 12, or whose agent is so charged or investigated, may establish a defense fund for legal expenses, costs, fees and payments supporting agents or dependents of persons accused or convicted of criminal violations.

(2) No person may utilize a contribution received from a contributor to a campaign fund for a purpose under sub. (1) unless the authorization of the contributor is obtained. Notwithstanding s. 11.25, any contributor may authorize the transfer of all or part of a contribution from a campaign fund to a defense fund.

History: 1973 c. 334; 1975 c. 93.

11.66 Elector may compel compliance.

The board or any elector may sue for injunctive relief to compel compliance with this chapter. No bond is required where the board commences action. Before commencing any action

concerning a state or national office or state-wide referendum, an elector shall file a verified petition with the board alleging such facts as are within his knowledge to show probable cause that a violation has occurred or is occurring. If the board fails to commence action within 10 days of the filing of such petition, the elector may commence action. Separate from any other bond which may be required by the court, the elector shall be required to post a surety bond in an amount determined by the court sufficient to cover the actual costs, including reasonable attorney's fees, of both parties. If the elector's action is not successful, he shall pay the costs of the action.

History: 1973 c. 334.

11.67 Notices. All notices under this chapter which are required to be sent to the candidate or treasurer shall be sent to both.

History: 1975 c. 93.