



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Labor and Election Process
Reform...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
REFORM

Paper Ballot: Senator Carpenter

Deadline: Wednesday, November 2nd 2005, 5:00 p.m.

Please return your vote via ballot to Senator Reynolds' office (306 South) by 5:00 p.m.,
Wednesday, November 2nd 2005.

Thank you.

MOTION

Recommend confirmation of **Byron Krueger** as a member of the Auctioneer Board, to serve for a term ending May 1, 2007.

Aye _____ Nay _____

MOTION

Recommend confirmation of **Timothy Sweeney** as a member of the Auctioneer Board, to serve for a term ending May 1, 2008.

Aye _____ Nay _____

MOTION

Recommend passage **Senate Bill 396** relating to the deadline and procedure for voter registration and the determination of residency for voting purposes.

Aye _____ Nay _____

MOTION

Requesting the Elections Board to modify **Clearinghouse Rule 05-061** to address the concerns expressed in the Statutory Authority comments in the Legislative Council Clearinghouse Report on the Rule.

If the Elections Board does not provide a written response agreeing to consider such modifications to the committee clerk for the Senate Committee on Labor and Election Process Reform by Friday, November 4th, 2005, the Senate Committee on Labor and Election Process Reform objects to Clearinghouse Rural 05-061 on the grounds that the rule lacks statutory authority. (*Attached is a copy of CR 05-061 and the Clearinghouse Report to Agency*).

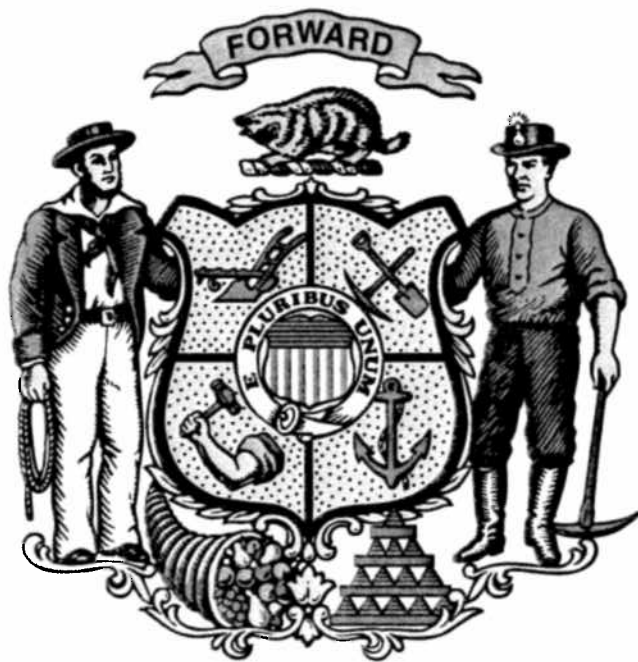
Aye _____

Nay _____

Signature



Distributed 11-2-05, 11 AM



SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
REFORM

Paper Ballot: Senator Hansen

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Aye _____

Nay X _____

Signature

Dave House

Distributed 11-2-05, 11 AM



SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
REFORM

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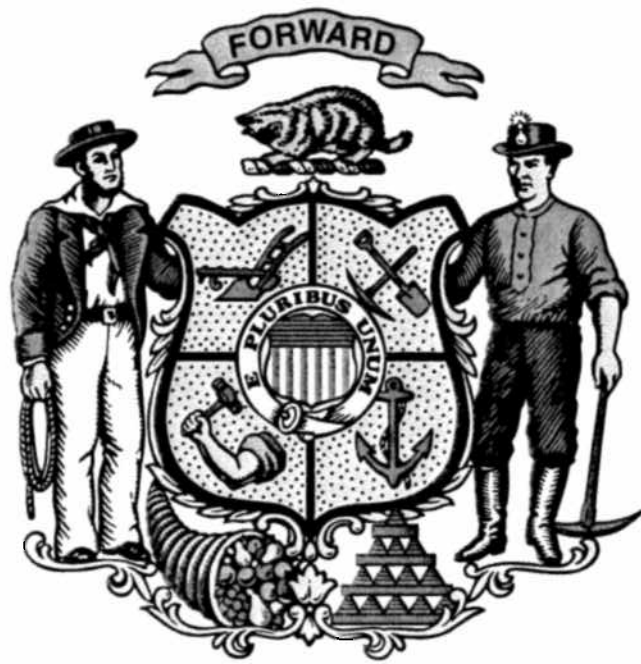
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Aye X Nay

Signature



Distributed 11-2-05, 11 AM



SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
REFORM

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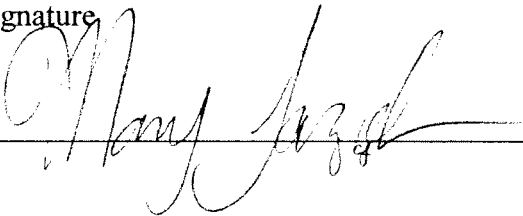
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Aye X Nay _____

Signature



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SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
REFORM

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Aye ✓ Nay

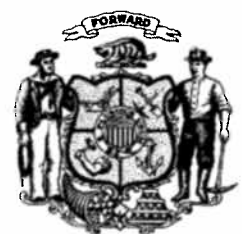
Signature

Tom Reynolds

Distributed 11-2-05, 11 AM



WISCONSIN STATE LEGISLATURE



SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
REFORM

Paper Ballot: Senator Carpenter

Please return your vote via ballot to Senator Reynolds' office (306 South) by 12:00 p.m., Thursday, April 6th 2006.

Thank you.

MOTION

The Senate Committee on Labor and Election Process Reform objects to Clearinghouse Rule 05-061 on the grounds that it lacks statutory authority. (*Attached is a copy of CHR 05-061 and the Clearinghouse Report to Agency.*)

Aye _____

Nay _____

Signature

Tim Carpenter

Distributed 4-5-06, 10 AM

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
REFORM

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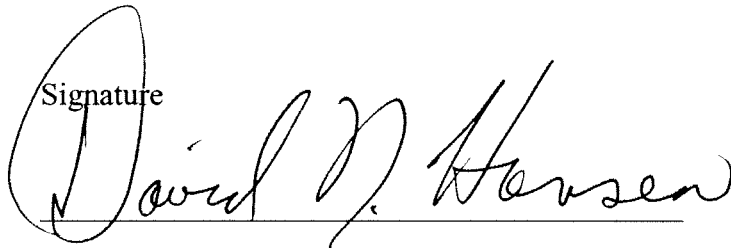
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Aye _____

Nay _____

Signature


Distributed 4-5-06, 10 AM

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Aye ✓ Nay

Signature

 Theodore J. Kanavas

Distributed 4-5-06, 10 AM

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS
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Aye _____ Nay _____

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Aye X Nay

Signature



Distributed 4-5-06, 10 AM



WISCONSIN ADMINISTRATIVE CODE

STATE ELECTIONS BOARD

SECTION 1. EIBd 1.46(3) is created to read:

EIBd 1.46 Identification of individual contributors on campaign finance reports.

(3)(a) A registrant who files a campaign finance report which does not disclose all of the contributor information required by s.11.06(1)(a) or (b), Stats., shall, not later than 60 days after the due date for that report, notify the filing officer, in writing, of all the information required for each contribution included on that report or return the contribution to the contributor. A registrant who provides the required information or who returns the contribution to the contributor, within 60 days of the due date for the report, shall be considered to have made good faith compliance under s.11.06(5), Stats. and shall not be considered to have violated s.11.06(1), Stats.

(b) A registrant who does not provide the required information and does not return the contribution, within 60 days of the due date for the report, shall be considered to have failed to show good faith compliance under s.11.06(5), Stats.; and shall be considered to have violated s.11.06(1), Stats.; and, with respect to any contribution under par. (a) that exceeds \$250, shall divest itself of all of that contribution.

(c) Divestiture of a contribution under par. (b) shall consist of returning the contribution to the contributor, or paying the amount of the contribution to the common school fund or to any other charitable organization.

(d) The divestiture of the contribution after 60 days from the due date of the report shall not preclude the board's imposition of any civil penalties under s.11.60, Stats., if the circumstances warrant prosecution.

(e) The registrant's divestiture of a contribution under par. (a) shall be reported on its next succeeding campaign finance report.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

CONTACT PERSON:

George A. Dunst
Legal Counsel, State Elections Board
17 W. Main Street, P.O. Box 2973
Madison, Wisconsin 53701-2973; Phone 266-0136

The creation of this rule will take effect on the first day of the month following its publication in the Wisconsin Administrative Register pursuant to s.227.22(2), Stats.

Dated September 2, 2005,

KEVIN J. KENNEDY
Executive Director



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 05-061

AN ORDER to create EIBd 1.46 (3), relating to the identification of individual contributors on campaign finance reports

Submitted by **ELECTIONS BOARD**

06-15-2005 RECEIVED BY LEGISLATIVE COUNCIL.

06-28-2005 REPORT SENT TO AGENCY.

RS:RJC

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-061

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

1. Statutory Authority

Section ElBd 1.46 (3) (a) effectively extends by 60 days the time for filing a complete report under s. 11.06, Stats. For example, if a registrant fails to disclose the names of contributors making contributions of \$20 or more by the due date -- information required by s. 11.06 (1) (a), Stats., -- the rule says that the registrant has not violated the reporting requirement if he or she notifies the filing officer of those names within 60 days after the due date of the report. This seems to be at odds with the statutory directive to file reports by certain dates as provided in s. 11.20 (2) and (4), Stats. Is this the intent of the rule? If so, the statutory authority for this treatment should be fully explained because this application seems to unreasonably strain the concept of "good faith" compliance that the rule claims to be trying to accommodate. If not, what is the intent? Is the rule really intended to apply to all information required by s. 11.06 (1) (a) and (b), Stats., or just the material addressed in s. ElBd 1.46 (1) and (2), i.e., street address and occupation and principal place of business of certain contributors? The latter interpretation would appear to better coincide with the rule's placement in the administrative code.

2. Form, Style and Placement in Administrative Code

a. As a result of 2003 Wisconsin Acts 118 and 145, the required content of administrative rules analyses has changed. [See s. 1.02 (2), Manual.]

b. Underscoring is not required when creating a new subunit of a rule. [See s. 1.06 (1), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

The "statutes interpreted" portion of the analysis, the last paragraph of the analysis, and certain other portions of the rule, refer to s. 11.22 (2) (c), Stats. No such provision exists.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Because s. EIBd 1.43 (3) (a) is a long paragraph, it could be divided into two subdivisions. It appears that a natural break for the subdivisions would be after the second sentence.

b. When a registrant notifies the filing officer after the due date about information not included in the report, must the notification be in writing? On a special form? The rule should be clarified.

c. The last sentence of s. EIBd 1.46 (3) (a) appears ambiguous. Is the registrant required to divest itself of the entire contribution if the contribution exceeds \$250 or just that portion of the contribution that exceeds \$250? The rule should be clarified. In addition, the phrase "be required to" should be deleted. Finally, the comma after the word "contribution" should be deleted.

d. In s. EIBd 1.46 (3) (b), what is an "unacceptable contribution"? The rule may be more clear if the phrase "of an unacceptable contribution under this section" were replaced by the phrase "under par. (a)." Additionally, the phrase "common school fund" should not be capitalized. Finally, it would appear that to be consistent with several statutory citations, the phrase "any other bona fide charity" should be replaced by the phrase "a charitable organization." [See, for example, ss. 11.12 (2) and 11.16 (2), Stats.]

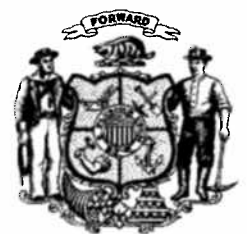
e. Section EIBd 1.46 (3) (c) appears to impose a new standard for the board to impose civil penalties. Under the paragraph, it would appear that civil penalties would only be imposed if a violation involved egregious circumstances. Is that the intent of the rule? In addition, the hyphen before the word "not" should be deleted and the word "boards" should not be capitalized.

f. In s. EIBd 1.46 (3) (d), what is an "illegal" contribution? Also, consistent terminology should be used throughout the rule. For example, it would appear that the word "committee's" should be "registrant's" and "disposition" should be "divestiture." Thus, it would appear that the paragraph could be rewritten substantially as follows: "The registrant's divestiture of a contribution under par. (a) shall be reported on its next succeeding campaign finance report."

g. The contact address of the contact person should be reviewed to ensure that a current address is listed.



WISCONSIN STATE LEGISLATURE



MEMORANDUM

TO: ELECTIONS BOARD MEMBERS

FROM: GEORGE A. DUNST, LEGAL COUNSEL

MEETING DATE: MAY 19, 2004

**SUBJECT: RULE APPLICABLE TO COMMITTEES WHOSE
CAMPAIGN FINANCE REPORTS DO NOT
INCLUDE ALL THE INFORMATION REQUIRED
TO BE REPORTED BY S.11.06, STATS.**

At the Board's December 10, 2003 meeting, the Board reviewed and dismissed the complaints of Mike McCabe against the campaign committees of Governor James Doyle and Speaker John Gard. The complaints alleged that the campaign finance reports of the campaign committees failed to report information required by s.11.06(1)(b), Stats. The Board dismissed the complaints after finding that the campaign committees had each made a good faith effort to obtain the missing information, but the Board charged its staff to propose a change in audit procedure, (with respect to the failure to supply information required under ss.11.06(1)(a) and (b), Stats.), that could culminate in the required return of the contribution if required information was not reported within a given period of time.

At its March 10, 2004 meeting, the Board voted to promulgate a rule compelling the disclosure of any missing (omitted) contributor information that has not been provided by the registrant within 45 days after the due date for the report on which the contributor information (required by s.11.06(1)(b), Stats.), has not been included. The Board did consider a staff proposal that would have given the filing committee 30 days from notification by the Board's staff in which to supply the missing information, but rejected that proposal. The consensus of the Board's members was that 45 days after the due date for the report was sufficient time for the filing committee to obtain and submit the missing information.

The proposed draft requires a registrant to return any contribution regarding which any contributor information is still undisclosed after 45 days from the due date of the report on which the information was required to be disclosed. The basis for that sanction is the prohibition of s.11.24(2), Stats., and the disclosure requirement of s.11.06(1)(b) as follows:

11.24 Unlawful political contributions. (1) . . .

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

11.06 Financial report information; application; funding procedure. (1)
Contents of report. Except as provided in subs. (2), (3) and (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full reports, upon a form prescribed

by the board and signed by the appropriate individual under sub. (5), of all contributions received, contributions or disbursements made, and obligations incurred. 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 the contribution and the cumulative total contributions made by that contributor for the calendar year.

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

The Board's authority to promulgate rules is discussed at length in the accompanying memorandum on the proposed amendment to ElBd 1.28, Wis. Adm. Code, the Board's rule defining regulated activity (the issue advocacy rule memorandum). The Board's statutory authority to promulgate this rule under the enabling statutes, (ss.505(1)(f), 11.06(1)(b) and 11.24(2), Stats.), is as described in the following paragraph.

If a registrant may not accept or receive a contribution made in violation of ch.11, and if a registrant has in its possession a contribution made in violation of ch.11 (because the contributor has not provided the information required by s.11.06(1), Stats.), it follows that the registrant may not retain that contribution. The requirement that contributions made in violation of ch.11, (i.e., contributions for which required information has not been supplied), be returned to the contributor (or paid to the Common School Fund or to the WECF) is identical to the treatment provided in ch.11¹ for other prohibited contributions. Thus, the rule appears to be a reasonable exercise of the Board's discretion in s.5.05(1)(f), Stats., to "Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration," to wit: s.11.06, Stats.' requirement of full disclosure of contributor information.

Agreement with the foregoing rationale, however, and acquiescence in the validity of the rule – because the rule only allows a 45-day grace period to accommodate good faith compliance - may not be universal.

The Board's counsel has had a Scope Statement published for the proposed rule to enable the Board to discuss the promulgation of a proposed rule. A first draft of the proposed rule is included below. (The underlined language is the proposed new language.)

ElBd 1. 46 Identification of individual contributors on campaign finance reports

(1) The requirement contained in s. 11.06 (1) (a), Stats., to furnish the street address of a contributor who has made a contribution or contributions aggregating more than \$20 in

¹ See ss.11.07(5), 11.12(2), 11.19(1), 11.23(2), 11.26(11) and 11.38(6), Stats.

a calendar year includes the municipality and state as well as the street address. A complete postal address is sufficient to meet the disclosure requirement contained in the statute.

(2) The requirement contained in s. 11.06 (1) (b), Stats., to furnish 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 refers to the contributor's occupation and the name of the employing entity of the contributor. The listing of a business address only does not comply with the disclosure requirement of the statute.

(3) A registrant who files a campaign finance report which does not disclose all of the contributor information required by s. 11.06(1)(a) and)(b), Stats., shall, not later than 45 days after the due date for that report, notify the filing officer of all the information required for each contribution included on that report. Any contribution regarding which all required contributor information has not been disclosed within 45 days of the due date of the report on which the contribution is required to be disclosed, shall be returned not later than 60 days after the due date for that report.

At the Board's May 19, 2004 meeting, the Board needs to decide whether to promulgate the rule as-is; whether to make changes in the language of the rule; or whether to not promulgate the rule at this time (or at all).

State of Wisconsin \ Elections Board

Post Office Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
http://elections.state.wi.us



JOHN C. SCHOBER
Chairperson

KEVIN J. KENNEDY
Executive Director

MEMORANDUM

TO: ELECTIONS BOARD MEMBERS

FROM: GEORGE A. DUNST, LEGAL COUNSEL

MEETING DATE: DECEMBER 1, 2004

SUBJECT: AUDIT PROCEDURES APPLICABLE TO COMMITTEES WHOSE CAMPAIGN FINANCE REPORTS DO NOT INCLUDE ALL THE INFORMATION REQUIRED TO BE REPORTED BY S.11.06, STATS.

At the Board's December 10, 2003 meeting, the Board reviewed and dismissed the complaints of Mike McCabe against the campaign committees of Governor James Doyle and Speaker John Gard. The complaints alleged that the campaign finance reports of the campaign committees failed to report information required by s.11.06(1)(b), Stats. The Board dismissed the complaints after finding that the campaign committees had each made a good faith effort to obtain the missing information, but the Board charged its staff to propose a change in audit procedure, (with respect to the failure to supply information required under ss.11.06(1)(a) and (b), Stats.), that could culminate in the required return of the contribution if required information was not reported within a given period of time.

At its March 10, 2004 meeting, the Board voted to adopt a new audit policy and rule compelling the disclosure of any missing (omitted) contributor information that has not been provided by the registrant within 45 days after the due date for the report on which the contributor information (required by s.11.06(1)(b), Stats.), has not been included. The Board did consider a staff proposal that would have given the filing committee 30 days from notification by the Board's staff in which to supply the missing information, but rejected that proposal. The consensus of the Board's members was that 45 days after the due date for the report was sufficient time for the filing committee to obtain and submit the missing information.

At the Board's May 19, 2004 meeting, the Board proposed that the rule or audit policy be re-drafted to treat any such contribution, in excess of \$250, as an illegal contribution, under s.11.24(1), Stats¹, unless the registrant has disclosed the information within 45 days (of the due date of the report). If the registrant has disclosed the required information within 45 days (of the due date of the report), the registrant will be considered to have made a "good faith effort," under s.11.06(5), Stats.; will not be considered to have received an illegal contribution; and will not be required to return the contribution. If the registrant has not disclosed the information within 45 days, the Board's staff will notify the registrant that the failure to disclose this information is in violation of s.11.06(1), Stats., and, under 11.24(1), Stats., may not be accepted or received by the recipient. Consequently, the recipient will be informed that he or she may not accept the contribution and must return the money to the contributor, pay it to the common school fund or pay it to a recognized charity.

¹ 11.24 Unlawful political contributions.

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

At its September 1, 2004 meeting, the Board directed changes in the policy and text of the rule that would allow the registrant to establish good faith compliance with 11.06(1), Stats., by either disclosing the required information or returning the money to the contributor within 45 days of the due date of the report. Good faith compliance means that the registrant will NOT be considered to have violated s.11.06(1), Stats., and will NOT be subject to prosecution.

The Board also directed that the registrant's failure to either supply the required information or return the contribution to the contributor within 45 days (of the due date of the report) means that the registrant has not complied in good faith with the statutes; has violated s.11.06(1), Stats., is required to divest itself of the contribution under s.11.24, Stats., and may, in egregious circumstances, be subject to a forfeiture action under ss.5.05 and 11.60, Stats.

Finally, the Board directed the staff to prepare two options with respect to registrant divestiture of an unacceptable contribution after the 45-day grace period provided by the Board's rule. In one option, the registrant may return the contribution to the contributor; or pay the amount to the Common School Fund or to another bona fide charity, at the registrant's option. In the other option, the registrant is not allowed to return the contribution to the contributor.

One consideration for the Board's members with respect to selecting an option is determining what is the effect of the return of the contribution to the contributor followed by the re-making of the contribution by the contributor: For purposes of determining limits applicable to the latter contribution, is the contributor's latter contribution a new contribution or does the effective date of the contribution relate back to the date of the original contribution. Should the rule provide that, (to avoid repeating this vicious cycle), the registrant may not "take back" the contribution unless the contributor provides the required information at the time of re-submitting the contribution?

If the Board adopts this protocol, the staff will change its filing notice (to all registrants) to inform (caution) registrants of this change in audit policy and advise them that the failure to supply required contributor information within 45 days of the due date of a report will require the return of the contribution for which information was not supplied and may result in a settlement offer for the failure to fully disclose.

The draft of the proposed rule is as follows: (Paragraph (3) is the proposed new provision. Paragraphs (1) and (2) are unchanged existing rules.)

ElBd 1. 46 Identification of individual contributors on campaign finance reports

(1) The requirement contained in s. 11.06 (1) (a), Stats., to furnish the street address of a contributor who has made a contribution or contributions aggregating more than \$20 in a calendar year includes the municipality and state as well as the street address. A complete postal address is sufficient to meet the disclosure requirement contained in the statute.

(2) The requirement contained in s. 11.06 (1) (b), Stats., to furnish 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 refers to the contributor's occupation and the name of the employing entity of the contributor. The listing of a business address only does not comply with the disclosure requirement of the statute.

(3) A registrant who files a campaign finance report which does not disclose all of the contributor information required by s.11.06(1)(a) or (b), Stats., shall, not later than 45 60 days after the due date for that report, notify the filing officer of all the information required for each contribution included on that report. A registrant who provides the required information or who returns the contribution to the contributor, within 45 60 days of the due date for the report, shall be considered to have made good faith compliance under s.11.06(5), Stats. and

shall not be considered to have violated s.11.06(1), Stats. A registrant who does not provide the required information and does not return the contribution, within 45 60 days of the due date for the report shall be considered to have failed to show good faith compliance under s.11.06(5), Stats., and shall be considered to have violated s.11.06(1), Stats., and shall be required to divest itself of ~~return~~ any such contribution or contributions in excess of \$250. ~~to the contributor or, at the committee's option, to pay the contribution to the common school fund or to charity.~~

Divestiture of an unacceptable contribution under this section shall consist of returning the contribution to the contributor, or paying the amount of the contribution to the Common School Fund or to any other bona fide charity.

The ~~return~~ divestiture of the contribution after 45 60 days from the due date of the report shall be in addition to the not preclude the Board's imposition of any civil penalties under s.11.60, Stats., if the egregious nature of the circumstances warrant prosecution.

The committee's disposition of the illegal contribution shall be reported on its next succeeding campaign finance report.

THE PROPOSED DRAFT² OF THE LETTER INFORMING COMMITTEES THAT THEY ARE IN VIOLATION OF S.11.06(1), STATS., AND ARE REQUIRED TO RETURN ANY CONTRIBUTIONS THAT ARE IN VIOLATION OF S.11.06(1), STATS., IS AS FOLLOWS:

_____(Month)_____, 2004

_____(Addressee)_____
_____, WI 5_____

(SEB ID NO.)

Re: Failure to Report All Information Required by s.11.06(1), Stats.

Dear M____. _____:

This letter is in regard to the campaign finance report filed by your committee on _____, 2004. The Board's staff's examination of the report shows that some of the information required by s.11.06(1), Stats., (in regard to the contributions that are itemized below), has not been disclosed. Section 11.06(1), Stats., with respect to the contributor information required to be disclosed by the statute, (noted in bold print), reads as follows:

11.06 Financial report information; application; funding procedure. (1) Contents of report. Except as provided in subs. (2), (3) and (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full reports, upon a form prescribed by the board and signed by the appropriate individual under sub. (5), of all contributions received, contributions or disbursements made, and obligations incurred. 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 the contribution and the cumulative total contributions made by that contributor for the calendar year.**

² The Board's staff may make changes in the form of the letter.

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

The contributions for which the required information has not been disclosed and the information that is still required to be disclosed is as follows:

From _____ on _____, 2004, in the amount of \$ _____
(Name of contributor) (Date of contribution)

Information required: _____

From _____ on _____, 2004, in the amount of \$ _____
(Name of contributor) (Date of contribution)

Information required: _____

From _____ on _____, 2004, in the amount of \$ _____
(Name of contributor) (Date of contribution)

Information required: _____

From _____ on _____, 2004, in the amount of \$ _____
(Name of contributor) (Date of contribution)

Information required: _____

Because the required information for the above contributions was not submitted with the campaign finance report as required by s.11.06(1), Stats., and also was not submitted to the Board within 60 days of the due date for the campaign finance report, and because the contribution has not been returned within the 60-day period,, your committee has received an illegal contribution: i.e., one which violates s.11.06(1), Stats., and one which s.11.24(2), Stats., prohibits the committee from receiving and accepting:

11.24 Unlawful political contributions.

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

Therefore, your committee may not retain this contribution and is required to return the contribution to the contributor or, at the option of the committee, donate the contribution to the common school fund or to charity. Please note that the requirement to return the contribution is separate from, and in addition to, any settlement offer that may be extended to your committee for the violation of s.11.06(1), Stats., for failure to disclose.

If you have any questions about this matter, or if our office can be of any other assistance, please contact our audit staff at (608) 266-8005.

STATE ELECTIONS BOARD

WISCONSIN ADMINISTRATIVE CODE

STATE ELECTIONS BOARD

SECTION 1. EIBd 1.46(3) is created to read:

EIBd 1.46 Identification of individual contributors on campaign finance reports.

(3)(a) A registrant who files a campaign finance report which does not disclose all of the contributor information required by s.11.06(1)(a) or (b), Stats., shall, not later than 60 days after the due date for that report, notify the filing officer, in writing, of all the information required for each contribution included on that report or return the contribution to the contributor. A registrant who provides the required information or who returns the contribution to the contributor, within 60 days of the due date for the report, shall be considered to have made good faith compliance under s.11.06(5), Stats. and shall not be considered to have violated s.11.06(1), Stats.

(b) A registrant who does not provide the required information and does not return the contribution, within 60 days of the due date for the report, shall be considered to have failed to show good faith compliance under s.11.06(5), Stats.; and shall be considered to have violated s.11.06(1), Stats.; and, with respect to any contribution under par. (a) that exceeds \$250, shall divest itself of all of that contribution.

(c) Divestiture of a contribution under par. (b) shall consist of returning the contribution to the contributor, or paying the amount of the contribution to the common school fund or to any other charitable organization.

(d) The divestiture of the contribution after 60 days from the due date of the report shall not preclude the board's imposition of any civil penalties under s.11.60, Stats., if the circumstances warrant prosecution.

(e) The registrant's divestiture of a contribution under par. (a) shall be reported on its next succeeding campaign finance report.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

CONTACT PERSON:

George A. Dunst
Legal Counsel, State Elections Board
17 W. Main Street, P.O. Box 2973
Madison, Wisconsin 53701-2973; Phone 266-0136

The creation of this rule will take effect on the first day of the month following its publication in the Wisconsin Administrative Register pursuant to s.227.22(2), Stats.

Dated September 2, 2005,

KEVIN J. KENNEDY
Executive Director

REPORT
OF
STATE ELECTIONS BOARD

Clearinghouse Rule 05-061
Rules Chapter ElBd. 1.46(3)
Wisconsin Administrative Code

El.Bd. 1.46(3)

1. Findings of fact:

The Elections Board finds that the legislature has directed it to promulgate rules to regulate campaign finance reporting and to ensure the proper administration of that reporting. The Board finds that a rule requiring the divestiture of contributions for which reporting is not complete will facilitate compliance with Wisconsin's campaign finance law, and maintain the public's confidence in that compliance and in the reporting of campaign finance activity.

Notwithstanding the provisions of ss.11.06(1)(a) and (1)(b), Stats., that require registrants to disclose specific information with the filing of a campaign finance report, Subsection 11.06(5), Stats., governing compliance with the section, only requires that "A registered individual or treasurer of a group or committee shall make a good faith effort to obtain all required information" on each campaign finance report. Thus, a registrant that has made a "good faith effort to obtain all required information" would seem to have complied with its statutory filing requirements. The statute, however, does not define or explain what constitutes a "good faith effort."

The rule prescribes the standard for what constitutes a "good faith effort to obtain all required information" under the statute, and prescribes the consequences for a registrant's acceptance of a contribution for which the registrant has not "obtained all required information," under the statute. To constitute "good faith" compliance, a registrant has 60 days (from the due date of the report) in which to obtain all required information, or return any contribution for which that information has not been obtained. The failure to provide the required information or return the contribution within the 60 day period, constitutes a failure to make a "good faith effort" and, thereby, constitutes a violation of s.11.06(1), Stats., subjecting the registrant to a possible forfeiture and a requirement to return all of any such contribution that exceeds \$250. All of any such contribution, not just the excess over \$250, must be returned. The rule applies to all the information requirements of ss.11.06(1)(a) and (1)(b), Stats., not just the information requirements of (1)(b).

Federal law has a comparable standard for information compliance on campaign finance reports. 2 U.S.C. 432(i), requires campaign committees and their treasurers to use "best

efforts” to obtain, maintain and submit the information required by the Federal Election Campaign Act, but does not have a definition of what constitutes “best efforts.” The federal standard for compliance is limited to sending written requests for information to the contributors but does not provide a consequence if those written requests do not result in producing the required information because “best efforts” constitutes satisfactory compliance.

Sec. 104.7 Best efforts (2 U.S.C. 432(i)).

(a) When the treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required by the Act for the political committee, any report of such committee shall be considered in compliance with the Act.

Based on its own history with a policy or practice that was similar in application to the federal rule, the Elections Board rejected the federal model as ineffective in obtaining full compliance in Wisconsin.

The State of Illinois has a similar (to Wisconsin’s) statutory provision that requires committees to “make a good faith effort to ascertain” required contributor information. The State of Iowa does not have a comparable “good faith” provision, but does require registrants to sign their reports indicating that the report is complete. Michigan does not have a “good faith compliance” statute, either, but does provide, by statute, that the person responsible for preparing or filing a campaign finance report is subject to a fine of up to \$1,000 if that person knowingly files an incomplete or inaccurate report. Minnesota does not have a “good faith” provision, but does require the person signing the report to certify that all reports required by its reporting statute, s.211A.02, Minn. Stats., have been submitted.

2. Conclusion and recommended action:

The State Elections Board unanimously concludes that El.Bd1.46(3) should be created. The creation of this rule is necessary to facilitate and ensure full compliance with the information requirements of Wisconsin campaign finance reports and to enhance registrants’ compliance with Wisconsin’s campaign finance reporting law. The Board recommends promulgation of this rule.

3. Explanations of modifications to the proposed rule:

The State Elections Board makes no substantive modifications to this rule.

4. List of persons appearing at the public hearing:

No public hearing was held. The rule was submitted pursuant to the 30-

day notice procedure of s.227.16(2)(e), Stats. No person who will be affected by the rule filed a petition for a public hearing within the 30-day period provided by that statute.

5. Response to Legislative Council staff report:

The State Elections Board adopts the Legislative Council's staff's comments and has incorporated the suggested changes in the rule.

Respectfully submitted,

September 2, 2005

STATE ELECTIONS BOARD

George A. Dunst, Legal Counsel

MEMORANDUM

TO: ELECTIONS BOARD MEMBERS

FROM: GEORGE A. DUNST, LEGAL COUNSEL

MEETING DATE: OCTOBER 20, 2004

**SUBJECT: PROPOSED LEGISLATION INCREASING
REGISTRATION AND REPORTING LIMITS
UNDER SS.11.05 AND 11.06 OF THE STATUTES**

At its September 1, 2004 meeting, the Board directed staff to draft changes in the monetary limits that trigger various registration and reporting requirements under ss.11.5/11.06, Stats. Specifically, the Board proposed that the \$25 registration limit be raised to \$100; that the \$20 limit that triggers various reporting requirements be raised from a \$20 contribution to a contribution of \$100; that the current \$100 contribution threshold that triggers additional reporting requirements be raised to \$250; and, finally, that the \$1,000 reporting exemption limit be raised to \$2,500. The following proposed legislation shows the statutes with the new limits underlined and the old limits struck through.

The Board's counsel has also proposed an amendment to s.11.06(2), Stats., (**Disclosure of certain indirect disbursements**), that excludes from reporting requirements disbursements by individuals and non-registrant committees for express advocacy **if** those disbursements do not exceed \$100. The further consequence of this provision is that source identification (disclaimers) will not be required under s.11.30, Stats., for communications made by individuals and non-registrant committees **if** the disbursements by those individuals and non-registrant committees do not exceed \$100 (because the last sentence of s.11.30(2)(a), Stats., provides: "This paragraph does not apply to communications for which reporting is not required under s. 11.06 (2)").

PROPOSED LEGISLATION

11.05 Registration of political committees, groups and individuals.

(1) Committees and groups. Except as provided in s. 9.10 (2) (d), every committee other than a personal campaign committee, and every political group subject to registration 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 \$25 100 shall file a 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) Individuals. Except as provided in s. 9.10 (2) (d), every individual, other than a candidate or agent of a candidate, who accepts contributions, incurs obligations, or makes

disbursements in a calendar year in an aggregate amount in excess of ~~\$25~~ 100 shall file a statement with the appropriate filing officer giving the information required by sub. (3). An individual who guarantees a loan on which an individual, committee or group subject to a registration requirement defaults is not subject to registration under this subsection solely as a result of such default.

(2r) General reporting exemptions. 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 ~~\$1,000~~ 2500 in a calendar year and does not anticipate accepting any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding ~~\$100~~ 250 in that year may indicate on its registration statement that the person, committee or group will not accept contributions, incur obligations or make disbursements in the aggregate in excess of ~~\$1,000~~ 2,500 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding ~~\$100~~ 250 in such year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The 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 ~~\$1,000~~ 2,500, or the date on which the registrant accepts any contribution or contributions exceeding ~~\$100~~ 250 from a single source, other than contributions made by a candidate to his or her own campaign, during that year, whichever is earlier. If the revocation is not timely, the registrant violates s. 11.27 (1).

11.06 Financial report information; application; funding procedure. (1) Contents of report. Except as provided in subs. (2), (3) and (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full reports, upon a form prescribed by the board and signed by the appropriate individual under sub. (5), of all contributions received, contributions or disbursements made, and obligations incurred. Each report shall contain the following information, covering the period since the last date covered on the previous report, unless otherwise provided:

An itemized statement giving the date, full name and street address of each contributor who has made a contribution in excess of ~~\$20~~ 100, or whose contribution if ~~\$20~~ 100 or less aggregates more than ~~\$20~~ 100 for the calendar year, together with the amount of the contribution and the cumulative total contributions made by that contributor for the calendar year.

(b) The occupation and name and address of the principal place of employment, if any, of each individual contributor whose cumulative contributions for the calendar year are in excess of ~~\$100~~ 250.

(c) The name and address of each registrant from which a transfer of funds was received or to which a transfer of funds was made, together with the date and amount of such transfer, and the cumulative total for the calendar year.

(d) An itemized statement of other income in excess of \$20100, including interest, returns on investments, rebates and refunds received.

(e) An itemized statement of contributions over \$20100 from a single source donated to a charitable organization or to the common school fund, with the full name and mailing address of the donee.

(f) An itemized statement of each loan of money made to the registrant for a political purpose in an aggregate amount or value in excess of \$20100, together with the full name and mailing address of the lender; a statement of whether the lender is a commercial lending institution; the date and amount of the loan; the full name and mailing address of each guarantor, if any; the original amount guaranteed by each guarantor; and the balance of the amount guaranteed by each guarantor at the end of the reporting period.

(g) An itemized statement of every disbursement exceeding \$20100 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

(h) An itemized statement of every obligation exceeding \$20100 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 totals during the reporting period of contributions received and disbursements made, including transfers made to and received from other registrants, other income, loans, and contributions donated as provided in par. (e).

(j) In the case of a committee or individual filing an oath under sub. (7), a separate schedule showing for each disbursement which is made independently of a candidate, other than a contribution made to that candidate, the name of the candidate or candidates on whose behalf or in opposition to whom the disbursement is made, indicating whether the purpose is support or opposition.

(jm) A copy of any separate schedule prepared or received pursuant to an escrow agreement under s. 11.16 (5). A candidate or personal campaign committee receiving contributions under such an agreement and attaching a separate schedule under this paragraph may indicate the percentage of the total contributions received, disbursements made and exclusions claimed under s. 11.31 (6) without itemization, except that amounts received from any contributor pursuant to the agreement who makes any separate contribution to the candidate or personal campaign committee during the calendar year of receipt as indicated in the schedule shall be aggregated and itemized if required under par. (a) or (b).

(k) A statement of the balance of obligations incurred as of the end of the reporting period.

(L) A statement of cumulative totals for the calendar year of contributions made, contributions received, and disbursements made, including transfers of funds made to or received from other registrants.

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

(1m) Surplus campaign materials. Notwithstanding sub. (1) (a) and (g), a registrant need not provide an itemized statement of a contribution or disbursement of surplus materials acquired in connection with a previous campaign of the registrant for or against the same candidate, candidates, party or referendum in connection with which the materials are utilized, if the materials were previously reported as a contribution or disbursement by that registrant.

(2) Disclosure of certain indirect disbursements. Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate or by a committee or group which is not primarily organized for political purposes, and the disbursement does not constitute a contribution to any candidate or other individual, committee or group, the disbursement or obligation is required to be reported only if the purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum and the disbursement exceeds \$100. The exemption provided by this subsection shall in no case be construed to apply to a political party, legislative campaign, personal campaign or support committee.

(4) 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 15 days of receipt, a 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 account by the closing date for the reporting period as provided in s. 11.20 (8).

(c) All contributions received by any person acting as an agent of a candidate or treasurer shall be reported by such person to the candidate or treasurer within 15 days of receipt. In the case of a contribution of money, the agent shall transmit the contribution to the candidate or treasurer within 15 days of receipt.

(d) A contribution, disbursement or obligation made or incurred to or for the benefit of a candidate is reportable by the candidate or the candidate's personal campaign committee

if it is made or incurred with the authorization, direction or control of or otherwise by prearrangement with the candidate or the candidate's agent.

11.23 Political groups and individuals; referendum questions. (1) Any group or individual may promote or oppose a particular vote at any referendum in this state. Before making disbursements, receiving contributions or incurring obligations in excess of ~~\$25-100~~ in the aggregate in a calendar year for such purposes, the group or individual shall file a 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 account 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.

11.30 Attribution 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) (a) The source of every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement or other communication which is paid for by or through any contribution, disbursement or incurred obligation shall clearly appear thereon. **This paragraph does not apply to communications for which reporting is not required under s. 11.06 (2).**

11.12 Campaign contributions and disbursements; reports.

(2) Any anonymous contribution exceeding \$~~10~~ 50 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.

Board meetings/ mtg 20 oct 04/PROPOSED LEGISLATION

BUDGET ACT LANGUAGE

- (a) **(2m) General reporting exemptions.** (a) Any person, committee or group, other than an individual or committee required to file an oath under sub. (7), who or which does not anticipate accepting contributions, making disbursements or incurring obligations in an aggregate amount in excess of ~~\$1,000~~ 2,500 in a calendar year and does not anticipate accepting any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding ~~\$100~~ 250 in that year may indicate on its registration statement that the person, committee or group will not accept contributions, incur obligations or make disbursements in the aggregate in excess of ~~\$1,000~~ 2,500 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding ~~\$100~~ 250 in any calendar year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The 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 ~~\$1,000~~ 2,500, or the date on which the registrant accepts any contribution or contributions exceeding ~~\$100~~ 250 from a single source, other than contributions made by a candidate to his or her own campaign, during any calendar year, whichever is earlier.

(b) Any individual or committee who or which is required to file an oath under sub. (7), who or which accepts contributions, makes disbursements, or incurs obligations for the purpose of supporting or opposing one or more candidates for state office, and who or which does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount in excess of ~~\$1,000~~ 2,500 in a calendar year and does not anticipate accepting any contribution or contributions from a single source exceeding ~~\$100~~ 250 in that year may indicate on its registration statement that the individual or committee will not accept contributions, incur obligations, or make disbursements in the aggregate in excess of ~~\$1,000~~ 2,500 in any calendar year and will not accept any contribution or contributions from a single source exceeding ~~\$100~~ 250 in any calendar year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The 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 on which aggregate contributions, disbursements, or obligations for the calendar year exceed ~~\$1,000~~ 2,500, or the date on which the registrant accepts any contribution or contributions exceeding ~~\$100~~ 250 from a single source during any calendar year, whichever is earlier.

11.06 - ANNOT.

NOTE: Par. (b) was created eff. 7-1-03 by 2001 Wis. Act 109. Act 109, s. 9115, provided that if the any listed treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void.

11.06(2m)(c)

(c) Any individual or committee who or which is required to file an oath under sub. (7), who or which accepts contributions, makes disbursements, or incurs obligations for the purpose of supporting or opposing one or more candidates for local office but not for the purpose of supporting or opposing any candidate for state office, and who or which does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount in excess of \$100 in a calendar year may indicate on its registration statement that the individual or committee will not accept contributions, incur obligations, or make disbursements in the aggregate in excess of \$100 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The 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 \$100, whichever is earlier.

11.06 - ANNOT.

NOTE: Par. (c) was created eff. 7-1-03 by 2001 Wis. Act 109. Act 109, s. 9115, provided that if the any listed treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void.

11.06(2m)(d)

(d) If a revocation by a registrant under this subsection is not timely, the registrant violates s. 11.27 (1).

11.06 - ANNOT.

NOTE: Par. (d) was created eff. 7-1-03 by 2001 Wis. Act 109. However, the treatment by 2002 Wis. Act 109 was held to be unconstitutional and void by the United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, Case # 02-C-424-C.

(3) Nonresident reporting.

(a) In this subsection, "nonresident registrant" means a registrant who or which does not maintain an office or street address within this state.

(b) Notwithstanding sub. (1), a nonresident registrant shall report on a form prescribed by the board the applicable information under sub. (1) concerning:

11.06 - ANNOT.

NOTE: Par. (b) (intro.) was amended eff. 7-1-03 by 2001 Wis. Act 109 to read as shown below. Act 109, s. 9115, provided that if the any listed treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void.

11.06 - ANNOT.

(b) A nonresident registrant that makes a report under sub. (1) shall ensure that the report separately states information under sub. (1) concerning all of the following, in a manner prescribed by the board:

11.06(3)(b)1.

1. Contributions, including transfers and loans, and other income received from sources in this state.

11.06(3)(b)2.

2. Disbursements made and obligations incurred with respect to an election for state or local office in this state.

11.06(3)(c)

(c) If a nonresident registrant is registered for campaign finance reporting purposes with the federal elections commission or with the filing officer or agency of another state, the registrant shall indicate on the report the name and address of each filing officer or agency with which a copy of its campaign finance reports is filed.

11.06(3m)

(3m) Federal candidate committee reporting.

11.06(3m)(a)

(a) In this subsection, "federal candidate committee" means an authorized committee of a candidate for the U.S. senate or house of representatives from this state designated by the candidate under 2 USC 432 (e).

11.06(3m)(b)

(b) As provided in s. 11.05 (1) and (2g), a federal candidate committee shall file a registration statement with the appropriate filing officer if required by s. 11.05 (1) or (2g).

11.06(3m)(c)

(c) Notwithstanding sub. (1), a federal candidate committee need not file any reports with the appropriate filing officer under s. 11.20 for any period covered in a report filed with the federal election commission if the board receives a copy of that report.

11.06(3r)

(3r) State-federal political party reporting.

11.06(3r)(a)

(a) In this subsection, "federal account committee" means a committee of a state political party organization which makes contributions to candidates for national office and is registered with the federal election commission.

11.06(3r)(b)

(b) As provided in s. 11.05 (1), a federal account committee shall file a registration statement with the appropriate filing officer if required by s. 11.05 (1).

11.06(3r)(c)

(c) Notwithstanding sub. (1), a federal account committee which makes contributions to a state political party committee need not file reports with the appropriate filing officer

under s. 11.20 for any period covered in a report filed with the federal election commission if the board receives a copy of that report and the federal account committee makes no contributions to any other committee which or individual who is required to register under s. 11.05 (1), (2) or (2g).

11.06(3w)

(3w) National political party reporting.

11.06(3w)(a)

(a) In this subsection, "national political party committee" means a national committee as defined in 2 USC 431 (14).

11.06(3w)(b)

(b) As provided in s. 11.05 (1), a national political party committee shall file a registration statement with the appropriate filing officer if required by s. 11.05 (1).

11.06(3w)(c)

(c) Notwithstanding sub. (1), a national political party committee need not file reports with the appropriate filing officer under s. 11.20 for any period covered in a report filed with the federal election commission.