

ORDER
OF THE
STATE ELECTIONS BOARD

To create ElBd 1.455 relating to the allocation of disbursements by candidates receiving a grant from the Wisconsin Election Campaign Fund.

Analysis Prepared by State Elections Board

Candidates who accept a grant from the Wisconsin election campaign fund and who are subject to spending limits can only spend their grant funds for election related expenses. The elections board has learned of several examples of candidates who purchased a large amount of materials that can be used in both the primary election and general election. Under current practice, the board permits the candidates to allocate part of a lump sum expenditure between the primary and general election so the candidates stay within the spending limits and only use their grant funds for their election-related expenses. The board has also learned about candidates who have either encumbered excess funds with disbursements for either a future campaign or a past campaign, or made disbursements for services or materials delivered during the current campaign for use in a future campaign.

This rule explains how candidates who receive a grant from the Wisconsin election campaign fund may prorate their grant between their primary election spending limits and their general election spending limits to pay the costs allocated to the general election. The rule also clarifies that candidates may not allocate their disbursements for services or materials delivered during the current campaign for use in a future campaign to avoid returning excess unencumbered funds to the Wisconsin election campaign fund after the current campaign ends. The rule also clarifies that candidates may not make disbursements from a current campaign for a future campaign or encumber funds of the current campaign for a future campaign to avoid returning excess unencumbered funds to the Wisconsin election campaign fund. While candidates may retire debts from previous campaigns during the current campaign, the rule also clarifies that incurred obligations from a previous campaign may not be treated on the first day after the election as encumbrances on the surplus funds that must be returned to the Wisconsin election campaign fund.

Pursuant to the authority vested in the state of Wisconsin elections board by ss. 227.014 (2)(a), and 5.05 (1)(f), Stats., the elections board hereby adopts a rule interpreting ss. 11.31, and 11.50 (2), (6), (7), (11), and (12), Stats., as follows:

SECTION 1. ElBd 1.455 is created to read:

SECTION 1. ElBd 1.455. Allocation by Candidates Receiving a Grant from the Wisconsin Election Campaign Fund of Disbursements of Grant and other Campaign Funds. A candidate subject to the disbursement limitations under s. 11.31, Stats., and ElBd 1.44 who disburses grant and other campaign funds:

(1) May prorate a disbursement between the primary election spending limit and the general election spending limit if the proration accurately reflects the use of the purchased materials or services in the respective primary and general election campaigns.

(2) May use grant money from the Wisconsin election campaign fund to pay the amount allocated to the general election even if the disbursement was made before the primary election.

(3) May not allocate to a future campaign any disbursements for services rendered or materials delivered during the current campaign.

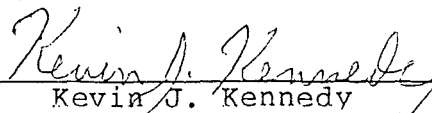
(4) May not make any disbursements during the current campaign for a future campaign until on or after the first day after the day of the election and may only make such disbursements out of campaign funds which are not excess funds that must be returned to the Wisconsin election campaign fund.

(5) May not encumber any excess funds remaining on the first day after the day of the election with incurred obligations for a future campaign.

(6) May retire debts from previous campaigns by making disbursements during the current campaign.

This rule takes effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.06 (1)(intro), Stats.

November 6, 1985



Kevin J. Kennedy
Executive Secretary
State Elections Board



State of Wisconsin \ ELECTIONS BOARD

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RON MONAT
CHAIRMAN

Kevin J. Kennedy
Executive Secretary

January 8, 1986

Mr. Gary L. Poulson
Assistant Revisor
Revisor of Statutes Bureau
Suite 904, 30 W. Mifflin St.
Madison, WI 53703

Dear Mr. Poulson:

This letter informs you about the status of the proposed action on Election Board rules ElBd 1.04(2); 1.13; 1.25; 1.26(3),(4),(5) and (6); 1.28; and 1.455.

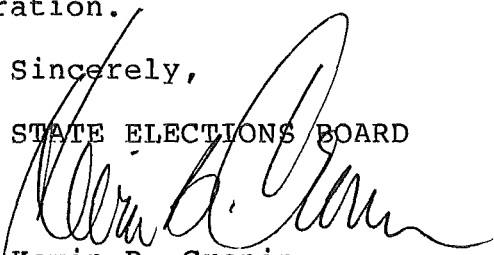
No petition under s.227.02(e), Stats., was filed with the Board within 30 days to request a public hearing on the proposed action on these rules. The legislative council reviewed and commented about each rule. After submitting these proposed rule to both houses of the legislature on November 19, 1985, both houses took no action on these rules within the appropriate 30 day period. Based on this, the Board through its executive secretary, Kevin J. Kennedy, ordered the appropriate action on these rules. The original and a copy of the Board's orders for each rule are enclosed. Please publish these at your earliest convenience to become effective according to their terms.

If you have any questions, please contact me.

Thank you for your cooperation.

Sincerely,

STATE ELECTIONS BOARD


Kevin B. Cronin
Legal Counsel

Encs.