

ORDER
OF THE
STATE ELECTIONS BOARD

86-133
85-150

To amend ElBd 1.30(1), relating to the revocation of exemption from filing campaign finance reports.

Analysis

This rule interprets s.11.05(2r), Stats., as affected by 1985 Wisconsin Act 303, that authorizes candidates and committees, including all candidates for state office, under s.11.06(7), Stats., to claim an exemption for filing campaign finance reports. Under this rule, candidates' and committees' limitation amounts that make them eligible to claim the exemption are increased. The limitation amount for all candidates and committees, other than persons or committees filing an independent oath, is increased to \$1,000 for all contributions, disbursements, or incurred obligations and for candidate contributions to his or her own campaign in a calendar year from \$500 for all contributions, disbursements, other than the candidate who may contribute up to \$1,000, or incurred obligations and \$100 for contributions from a single source.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.505(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to amend its rule interpreting s.11.05(2r), Stats., as follows:

SECTION 1. ElBd 1.30(1) is amended to read:

ElBd 1.30(1) REVOCATION OF EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS. (1) When a person, committee or group other than a committee or individual required to file an oath under s.11.06(7), Stats., a ~~candidate or personal campaign committee of a candidate for statewide or legislative office~~, who or which claims an exemption from filing campaign finance reports because the registrant will not receive contributions, make disbursements, or incur obligations in an aggregate amount in excess of ~~\$500~~ \$1,000 in a calendar year and who or which does not anticipate accepting any contribution or contributions from a single source, other than contributions totaling no more than \$1,000 made by the candidate to his or her own campaign, exceeding \$100 in that year, the registrant shall lose the exemption when the registrant exceeds the ~~\$500~~ \$,1000 and \$100 limits, respectively. The registrant shall then inform the appropriate filing officer by verified filing either an amended campaign registration statement (Form EB-1) stating that the registrant is no longer eligible for exemption or by a letter filed with the filing officer or 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 on which the registrant exceeds the ~~\$500~~ \$1,000 and \$100 limits. The registrant becomes subject to the applicable reporting requirements as of the date on which the registrant exceeds the ~~\$500~~ \$1,000 and \$100 limits, including the requirement to report contributions received, disbursements made, and obligations incurred before the registrant exceeds the ~~\$500~~ \$1,000 and \$100 limits.

Initial Regulatory Flexibility Analysis

The amendment of this rule does not affect business.

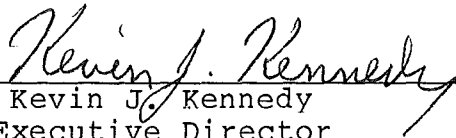
Fiscal Estimate

The amendment of this rule has no fiscal effect.

Effective Date

The amendment of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986



Kevin J. Kennedy
Executive Director
State Elections Board

86-133

ORDER
OF THE
STATE ELECTIONS BOARD

To repeal and recreate ElBd 1.34(1), relating to use of funds received from Wisconsin election campaign fund.

Analysis

This rule interprets s.11.50(7), Stats., as affected by 1985 Wisconsin Act 303, that establishes the uses of a grant from the election campaign fund. Under this rule, the term "printing, graphic arts or advertising services" is defined. These services include, but are not limited to, the ordinary and direct costs of planning, preparing proof copy and set up, and printing or other like production of copy used in the candidate's election campaign.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.505(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to repeal and recreate its rule interpreting s.11.50(7), Stats., as follows:

SECTION 1. ElBd 1.34(1) is repealed and recreated to read:

ElBd 1.34 USE OF FUNDS RECEIVED FROM WISCONSIN ELECTION CAMPAIGN FUND. (1) The term "printing, graphic arts or advertising services" includes, but is not limited to, the ordinary and necessary direct costs of planning, preparing proof copy and paste up, and printing or other like production of copy that is used in the candidate's election campaign.

Initial Regulatory Flexibility Analysis

The repeal and recreation of this rule does not affect business.

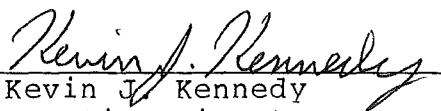
Fiscal Estimate

This rule has no fiscal effect.

Effective Date

The repeal and recreation of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986



Kevin J. Kennedy
Executive Director
State Elections Board

A
1-1-85
CJ

ORDER
OF THE
STATE ELECTIONS BOARD

To create ElBd 1.65, relating to opinion poll results.

Analysis

This rule interprets the terms "overall costs" appearing in s. 11.06(12)(b), Stats., as created by 1985 Wisconsin Act 303. Under this rule, the term "overall cost" means the value of the opinion poll or survey as determined by the individual or committee creating the poll or survey based on the reasonable costs incurred. These costs include the costs for staff salary, rent, telephones, poll lists, telephone calls, computer use and supplies, and other reasonable and necessary items associated with creating the opinion results.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.505(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to create a rule interpreting s.11.06(12), Stats., as follows:

SECTION 1. ElBd 1.65 is created to read:

ElBd 1.65 OPINION POLL RESULTS. (1) The term "overall cost" as used in s.11.06(12)(b), Stats., means the value of the opinion poll or voter survey results, as defined in s.11.06(12)(a)4., Stats., as determined by the individual or committee which commissions the poll or survey.

(2) The transfer to a candidate or committee of the results of a poll or survey, other than by a sale, is an in-kind contribution to such candidate or committee and reportable on the candidate's or committee's campaign finance report due for the period during which the results are received.

(3) The value of the poll or survey equal to the applicable percentage of full value as provided in s.11.06(12)(b) through (f), Stats., is based on the reasonable costs incurred in conducting the poll or survey. These costs include the costs for staff salary or other compensation, rent, telephones, poll lists, telephone calls, and computer use and supplies, and other reasonable and necessary items associated with creating the opinion results as defined in s.11.06(12)(a)3., Stats.

Initial Regulatory Flexibility Analysis

The creation of this rule does not affect business.

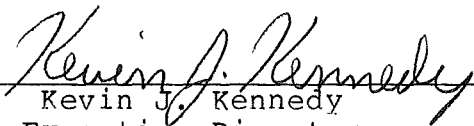
Fiscal Estimate

The creation of this rule has no fiscal effect.

Effective Date

The creation of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986



Kevin J. Kennedy
Executive Director
State Elections Board

26-130

ORDER
OF THE
STATE ELECTIONS BOARD

To amend ElBd 1.55, relating to the reimbursement for the campaign use of state vehicles.

Analysis

This rule interprets s.11.37, Stats., as affected by 1985 Wisconsin Act 303, that essentially authorizes a person to use any government owned vehicle or aircraft primarily for campaign purposes as long as the person pays the governmental unit a fee for the vehicle's use. The law before this amendment applied only to state vehicles or aircraft. Under this rule, a candidate or other person's use of a local government vehicle for campaign purposes must be reimbursed at a fee comparable to the commercial market rate for a similar vehicle.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.505(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to amend its rule interpreting s.11.50(8), Stats., as follows:

SECTION 1. ElBd 1.55 is amended to read:

ElBd 1.55 REIMBURSEMENT FOR CAMPAIGN USE OF GOVERNMENT VEHICLES. Whenever a state or local government vehicle is used primarily for the purposes of campaigning in support of or in opposition to a candidate for national, state, or local office, there must be paid to the state treasurer or governing body of the local government a fee prescribed by the secretary of the department of administration which is comparable to the commercial market rate for a similar vehicle or aircraft of similar design. The obligation, if any, to reimburse the state or local government shall be included on the campaign finance report covering the period during which the obligation was incurred.

Initial Regulatory Flexibility Analysis

The amendment of this rule does not affect business.

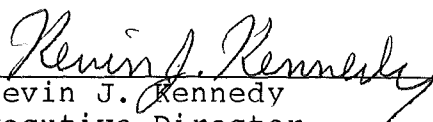
Fiscal Estimate

This rule has no fiscal effect.

Effective Date

The amendment of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986



Kevin J. Kennedy
Executive Director
State Elections Board

ORDER

OF THE

STATE ELECTIONS BOARD

86-133

To amend ElBd 1.45, relating to return of excess grant funds from Wisconsin election campaign fund after campaign.

Analysis

This rule interprets s.11.50(8), Stats., as affected by 1985 Wisconsin Act 303, that requires candidates who received a grant from the election campaign fund to return the excess, unspent funds after the campaign. Under this rule, a candidate is required to return any excess, unspent funds to the election campaign fund no later than the date of filing the use of grant report with the next due continuing campaign finance report after the election.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.505(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to amend its rule interpreting s.11.50(8), Stats., as follows:

SECTION 1. ElBd 1.45 is amended to read:

ElBd 1.45 RETURN OF EXCESS GRANT FUNDS FROM WISCONSIN ELECTION CAMPAIGN FUND AFTER CAMPAIGN. Pursuant to s.11.50(8), Stats., all grants from the Wisconsin election campaign fund which are unspent and unencumbered by any candidate on the day after the election shall be returned to the state elections board within 90 days after the date of the election, no later than the date of filing the use of grant report which is filed with the next continuing campaign finance report due after the election.

Initial Regulatory Flexibility Analysis

The amendment of this rule does not affect business.


Fiscal Estimate

This rule has no fiscal effect.

Effective Date

The amendment of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986



Kevin J. Kennedy
Executive Director
State Elections Board

86-133

ORDER
OF THE
STATE ELECTIONS BOARD

To create ElBd 1.85, relating to conduit registration and reporting requirements.

Analysis

Under this rule interpreting the conduit law in ss.11.01(5m), 11.05(9), and 11.06(11), Stats., as created by 1985 Wisconsin Act 303, conduits are required to register and report their transfers to candidates and other registrants. Under this rule, conduits must register with the filing officer no later than the date of the initial transfer to the registrants. The conduit must send to each transferee a letter which identifies it as a conduit, providing the name and address of each contributor, the amount of each contribution, and the name and address of the transferee. The conduits must also report to each transferee the occupation and principal place of employment for each contributor whose contributions exceed \$50 per calendar year. Finally, the conduits must file continuing campaign finance reports except that pre-primary and pre-election reports must be filed only if the conduit makes a transfer during the report period.

Pursuant to the authority vested in the state of Wisconsin elections board by ss.505(1)(f) and 227.11(2)(a), Stats., the elections board hereby proposes to create a rule interpreting ss.11.01(5m), 11.01(9) and 11.06(11), Stats., as follows:

SECTION 1. ElBd 1.85 is created to read:

ElBd 1.85 CONDUIT REGISTRATION AND REPORTING REQUIREMENTS. (1) A conduit, as defined in s.11.01(5m), Stats., is required to register no later than the date of the initial transfer of a contribution to a candidate, personal campaign committee, legislative campaign committee, or political party committee.

(2) A conduit shall register with the filing officer as defined in s.11.02, Stats., on the conduit registration statement, form EB-9.

(3) A conduit shall send to each candidate or committee at the time funds are transferred a letter identifying itself as a conduit, the name and address of the transferee, and listing the name and address of each contributor and the date and amount of each contribution.

(4) A conduit shall report to the transferee the occupation and principal place of employment, if any, of the contributor if the contributor's cumulative contributions exceed \$50 for the calendar year.

(5) A conduit shall file a campaign finance report, form EB-10, at the times specified in s.11.20, Stats., except that the pre-primary or pre-election report is filed only when a contribution is made during that period. If the conduit has no reportable activity during the continuing report period, the conduit may report on the campaign finance report, short form, form EB-2a.

(6) A conduit shall file with its campaign finance report two copies of each letter of transmittal sent to each transferee during the reporting period.

(7) A conduit shall file with the filing officer a special report of late contribution, form EB-3, within 24 hours of making a transfer to a candidate or committee of more than \$500 in a single amount or cumulatively received during the 15 day period before the primary or election.

Initial Regulatory Flexibility Analysis

The creation of this rule does not affect business.

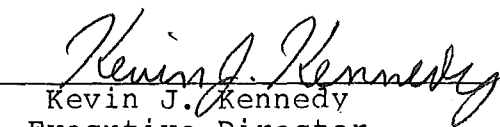
Fiscal Estimate

The creation of this rule has no fiscal effect.

Effective Date

The creation of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s.227.22(2), Stats.

Dated: September 30, 1986


Kevin J. Kennedy
Executive Director
State Elections Board



State of Wisconsin \ ELECTIONS BOARD

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PETER R. DOHR
CHAIRMAN

Kevin J. Kennedy
Executive Director

October 2, 1986

Mr. Gary L. Poulson
Assistant Revisor
Revisor of Statutes Bureau
30 West Mifflin St., Room 903
Madison, WI 53702

Dear Mr. Poulson:

This letter informs you that the assembly took no action within 30 days after receiving the following rules: ElBd 1,30(1), 1.34(1), 1.385, 1.44, 1.45, 1.55, 1.60, 1.65, 1.70, 1.85, 2.07(1), 2.07(4),(5) and (6). In the light of this action, Kevin J. Kennedy, executive director of the Elections Board, recently issued the order to adopt these rules. These were filed with the Secretary of State.

The original and a copy of Mr. Kennedy's orders are enclosed. Please publish them at your earliest convenience to become effective November 1, 1986.

If you have any questions, please call me.

Thank you for your cooperation.

Sincerely,

STATE ELECTIONS BOARD

Kevin B. Cronin
Legal Counsel

Encs.