

NOTICE OF PROPOSED GUIDANCE DOCUMENT

CAMPAIGN FINANCE OVERVIEW – RECALL COMMITTEES

Pursuant to s. 227.112, Wis. Stats., the Wisconsin Ethics Commission is hereby seeking comment on the Campaign Finance Overview – Recall Committees Manual, a proposed guidance document. This manual is prepared and published by the Wisconsin Ethics Commission as required by WIS. STAT. § 11.1304(3).

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Ethics Commission until December 2, 2019, by:

1. Emailing ethics@wi.gov, or
2. Mailing written comments to:
P.O. Box 7125
Madison, WI 53707-7125

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at <https://ethics.wi.gov/Pages/Resources/ResourcesOverview.aspx> to allow for ongoing comment.

AGENCY CONTACT PERSON

David P. Buerger

David.Buerger@wisconsin.gov

(608) 267-0951



Wisconsin Ethics Commission

PO Box 7125

Madison, WI 53707-7125

Phone: (608) 266-8123

Email: campaignfinance@wi.gov

Websites: <https://cfs.wi.gov>

<https://ethics.wi.gov>

CAMPAIGN FINANCE OVERVIEW

Recall Committees

Published: October 2019

There has been no change in campaign finance statutes since March of 2016.

This manual has been updated to include specific statutory citations and clarify basic reporting requirements for Recall committees.

Provided pursuant to [WIS. STAT. § 11.1304\(3\)](#) and in compliance with [WIS. STAT. § 227.112](#).

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BACKGROUND AND REGISTRATION REQUIREMENTS

The recall process is governed by statutes in Chapter 9, administered by the Wisconsin Elections Commission, and Chapter 11, administered by the Wisconsin Ethics Commission. The Elections Commission oversees the recall petition process and the process for calling a recall election. The Ethics Commission oversees committee registration and campaign finance reporting for recall committees.

A recall committee is a committee formed for the purpose of supporting or opposing the recall of either a state or local incumbent elected official. [WIS. STAT. § 11.0101\(27\)](#).

Local recall committees should consult the Elections Commission Manual: [Recall of Local Elected Officials](#).

Recall committees for county, state, and federal offices should consult the Elections Commission Manual: [Recall of Congressional, County and State Officials](#).

When Recall Committees are Required to Register

A new recall committee must register within 10 days of passing the threshold of \$2,000 of activity in a calendar year. [WIS. STAT. § 11.0902](#). A recall committee cannot collect signatures before it is registered. The committee should also keep in mind that the recall petition signatures must be collected and submitted to the proper filing officer within 60 days of registration. If the committee is recalling a city, village, town, school district, or town sanitary district official, a statement of the reason for the recall must be attached. [WIS. STAT. § 9.10\(2\)\(d\)](#). See the Intent to Circulate Recall Petition form [here](#).

All recall committees must register with the same filing officer as a candidate for the position that is being recalled. (State, County, Municipal or School District). [WIS. STAT. § 11.0102\(1\)\(e\)](#). State-level recall committees must register online at <http://cfis.wi.gov>. Recall committees at the county, municipal, or school district level will register with a [local campaign finance registration statement](#). When completed, to activate your registration, you must submit a signed copy to the requisite filing officer in person, or by email, fax or US mail. The Wisconsin Elections Commission maintains a directory of county and municipal clerks here: <https://elections.wi.gov/clerks/directory>.

A recall committee may receive and disburse campaign funds. The committee's financial activities must be reported to the filing officer on campaign finance reports (state-level committees will use CFIS to file a [ETHCF-2S, 2SE, 2SU or 2a](#), and local committees will file a [2L/LE \(local\) or 2a](#)), *unless the committee has claimed an exemption from filing finance reports*. These reports will disclose information on the receipts, expenditures, incurred obligations and loans of the committee. [WIS. STAT. § 11.0904](#).

Completing a Registration Statement

Several items of information are required on a recall committee's registration statement (CF-1). When any of this information changes, an amendment to the registration statement must be filed in a timely manner (**within 10 days**). [WIS. STAT. § 11.0903\(3\)](#).

Required Registration Information

- Along with the name and contact information, new committees must also supply a four-digit PIN number. The PIN number will be used when submitting any reports or changing registration information in the CFIS website. (This is required for state-level committees only).
- All committees are required to have an active treasurer. Please make sure the email address for the treasurer is kept up to date, so the committee receives notices of filing deadlines and other communications. Failure to keep this information current may result in the committee being penalized for failure to file necessary reports. [WIS. STAT. § 11.0903\(1\)\(b\)](#).
- Additional contacts are not required. However, the Ethics Commission recommends having more than one contact person for the committee.
- Every recall committee must have a campaign account and provide the name and address of the financial institution. [WIS. STAT. § 11.0903\(1\)\(c\)](#). To open the campaign account, it may be necessary to complete a request for Employer Identification Number (EIN) using form SS4. This form should be available from your financial institution or from an IRS office or website <https://www.irs.gov/pub/irs-pdf/fss4.pdf>.
- After registration, every state-level recall committee will be issued an Ethics Committee ID#. This ID# also serves as the 'username' to login to the CFIS website. We recommend that this ID#, along with the full committee name, appear on all committee checks.

Certification

The committee treasurer must sign the registration statement certifying that the information is true, correct, and complete. [WIS. STAT. § 11.0903\(2\)](#). When the filing officer receives the signed statement, they will activate the committee, and at the state level, the CFIS website will send the Ethics Committee ID# (which is also the username) and a password to the email address(es) on file.

Amending a Registration Statement

When any of the information reported on the registration statement changes, the statement must be amended by filing a new registration statement within 10 days. The treasurer should file an amended registration statement indicating that it is an amendment. [WIS. STAT. § 11.0903\(3\)](#).

Changing Roles of the Recall Committee after a Recall Election is Called

Once the recall election has been ordered, the recall committee does not automatically terminate. The recall committee may still accept contributions and make disbursements much like a Political Action Committee (PAC). It has the same contribution limits, and it may contribute directly to candidates or make independent expenditures like a PAC. It has the same source restrictions as a PAC – it cannot take money from corporations, associations, tribes or unions. [WIS. STAT. § 11.1112](#). Unlike PACs, which all register at the state level, a local recall committee remains registered with the filing officer for the local office up for recall.

Because of the potential for individuals involved with a recall committee to also simultaneously become candidates or candidate’s agents, recall committees and the individuals associated with them must be mindful of the provisions concerning “coordinated contributions.” For more information on “coordinated contributions,” see the section on [Coordination with Candidate Committees](#).

Alternatively, some recall committees may wish to terminate but individuals that were a part of the recall committee might still want to remain politically active. Depending on whether the individuals would like to make contributions to candidates or simply to make independent expenditures, those individuals can form either a PAC or an IEC. To determine which committee is appropriate for them and to learn more about those committees, those associated with the recall committee should consult the PAC manual: [PAC Committee Overview](#) or the IEC manual: [IEC Committee Overview](#). All PACs and IECs register with the Wisconsin Ethics Commission through the CFIS website.

A recall committee that wishes to terminate and re-register as a PAC or IEC, or cease activity and close their bank account, should see the [Termination](#) section of this manual.

FILING FEES (STATE-LEVEL COMMITTEES ONLY)

Every recall committee registered with the state whose disbursements exceed a total of \$2,500 in any calendar year must pay an annual filing fee of \$100. The payment is made to the Ethics Commission and is due no later than January 15th following the calendar year for which the fee was required. [WIS. STAT. § 11.0102\(2\)](#).

If a committee becomes subject to registration during the year, it must pay the fee when it registers. [WIS. STAT. § 11.0102\(2\)\(b\)](#). If a committee terminates during a year, and spends more than \$2,500 in that year, the registrant must pay the \$100 filing fee with its termination request. [WIS. STAT. § 11.0105\(2\)](#).

Any committee required to pay the filing fee who fails to do so within the time prescribed will be referred to the Commission for further action. The statutes provide for a forfeiture of \$500 plus three times the filing fee which is \$300. [WIS. STAT. § 11.1400\(4\)](#).

EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS

Eligibility

Committees may amend their registration and claim exemption from filing campaign finance reports if the committee anticipates that it will not receive or spend funds in an aggregate amount exceeding \$2,000 in a calendar year. [WIS. STAT. § 11.0104](#). Recall committees will typically only be exempt if the committee was active in one calendar year, anticipates little financial activity in the next calendar year, and wishes to remain registered.

An indication of limited activity (exemption) under this section is effective only for the calendar year in which it is granted. [WIS. STAT. § 11.0104\(2\)](#). The Ethics Commission is seeking guidance from the Attorney General's office on interpreting and enforcing this statute. Pending that guidance or legislative change, the Ethics Commission is not actively enforcing this requirement.

Financial Records During Exemption

When a committee is exempt, it is not required to file any campaign finance reports. However, the treasurer is still required to keep financial records of all contributions to the committee and of all expenditures from the date of registration until three years from the date of the election in which the recall committee participates. [WIS. STAT. § 11.0901\(4\)](#).

Revoking Exemption

If, at a later date, the committee expects to exceed the \$2,000 limit on contributions, disbursements, or obligations, the committee must amend its campaign registration statement by checking the box: "This registrant is no longer eligible to claim exemption," on the registration statement. An amendment to the registration statement must be filed with the Wisconsin Ethics Commission or other filing officer within **ten days**. [WIS. STAT. § 11.0903\(3\)](#). The committee is then required to file campaign finance reports beginning with the next regular report due after exemption is revoked, or after the committee has exceeded \$2,000 in aggregate contributions, disbursements, or obligations, whichever is earlier. [WIS. STAT. § 11.0104\(3\)](#).

CONTRIBUTION LIMITS (FROM RECALL COMMITTEES TO CANDIDATES)

Contribution limitations apply cumulatively to the entire primary and election campaign in which the candidate participates, whether or not there is a contested primary election. Recall committees fall under the “Other Persons” category for the purposes of contribution limits.

OFFICE	RECALL COMMITTEE CONTRIBUTORS
GOVERNOR	\$86,000
LIEUTENANT GOVERNOR	\$26,000
SECRETARY OF STATE	\$18,000
STATE TREASURER	\$18,000
ATTORNEY GENERAL	\$44,000
SUPERINTENDENT OF PUBLIC INSTRUCTION	\$18,000
SUPREME COURT	\$18,000
STATE SENATOR	\$2,000
ASSEMBLY REPRESENTATIVE	\$1,000
APPEALS JUDGE – POPULOUS DISTRICTS	\$6,000
APPEAL JUDGE – OTHER DISTRICTS	\$5,000
CIRCUIT JUDGE – POPULOUS AREA	\$6,000
DISTRICT ATTORNEY – POPULOUS AREA	\$6,000
CIRCUIT JUDGE – OTHER AREA	\$2,000
DISTRICT ATTORNEY – OTHER AREA	\$2,000
LOCAL OFFICES	GREATER OF \$400 OR 2 CENTS TIMES THE POPULATION; NOT MORE THAN \$5,000

[WIS. STAT. § 11.1101\(4\).](#)

Populous Areas:

- Appeals Judge – District contains a county having a population of more than 750,000.
- Circuit Judge – Circuits having a population of more than 300,000.
- District Attorney – Prosecutorial units having a population more than 300,000.

Local Offices:

- Districts with 20,000 or fewer population have a limit of \$400. Districts with 250,000 or greater population have a limit of \$5,000. Other districts need to be calculated.
- Population is determined by the last decennial census for that district. Contact the local filing officer for that office (county, municipal, or school district clerk) for exact numbers.

The contribution limits established by state statute prescribe the maximum amount of all contributions (cash, non-commercial loans, and in-kind contributions combined) that an individual or committee can give or receive over a campaign period.

If the recall committee spends money on express advocacy, which urges people to vote for or against a certain candidate, and coordinates the expense with the candidate committee, that counts as an in-kind contribution, and would count towards contribution limits. See the [Coordination with Candidate Committees](#) section below.

Applicable Periods for Contribution Limits

For purposes of calculating contribution limits, a new candidate's campaign begins on the date a new candidate is required to file a registration statement, i.e., the date she or he becomes a candidate. [WIS. STAT. § 11.1103\(2\)](#). The campaign period includes both the primary and general election. The campaign period ends the day before the winning candidate begins his or her new term of office. *Id.*

For an incumbent candidate, the new campaign period begins on the day the candidate assumes office. [WIS. STAT. § 11.1103\(1\)](#). The campaign period runs through the primary and general election for that office and lasts until the day before the winning candidate begins his or her new term of office. *Id.*

For more information on contribution limits, go to the Ethics Commission's Contributions Limits page: <https://ethics.wi.gov/Pages/CampaignFinance/ContributionLimits.aspx>.

Exceptions to Contribution Limits

The following contributions may be made in unlimited amounts:

Contributions (to a candidate committee) used to pay legal fees and other expenses incurred in connection with or in response to circulating, offering to file, or filing a petition to recall an office holder prior to the time that a recall primary or election is ordered, or after that time if incurred to contest or defend the order. [WIS. STAT. § 11.1104\(10\)](#).

CONTRIBUTIONS AND DISBURSEMENTS

Committees are required to make full reports of all contributions, disbursements, and obligations received, made and incurred by the committee. Each report must include information covering the period since the last date covered on the previous report. [WIS. STAT. § 11.0904\(1\)\(a\)](#).

“Contribution” means any of the following:

1. A gift, subscription, loan, advance, or transfer of money to a committee.
2. With the committee's consent under [WIS. STAT. § 11.1109](#), a transfer of tangible personal property or services to a committee, valued as provided under [WIS. STAT. § 11.1105](#).
3. A transfer of funds between committees.
4. The purchase of a ticket for a fundraising event for a committee regardless of whether the ticket is used to attend the event.

[WIS. STAT. § 11.0101\(8\)\(a\)](#).

“Contribution” does not include any of the following:

1. Services that an individual provides to a committee, if the individual is not specifically compensated for providing the services to the committee.
2. Any unreimbursed travel expenses that an individual incurs to volunteer his or her personal services to a committee.
3. The costs of preparing and transmitting personal correspondence.
4. Interest earned on an interest-bearing account.
5. Rebates or awards earned in connection with the use of a debit or credit card.
6. A loan from a commercial lending institution that the institution makes in its ordinary course of business.
7. The reuse of surplus materials or the use of unused surplus materials acquired in connection with a previous campaign for or against the same candidate, political party, or recall if the materials were previously reported as a contribution.
8. The cost of invitations, food, and beverages in connection with an event held in a private residence on behalf of a candidate committee.
9. Any communication that does not expressly advocate for the election or defeat of a clearly identified candidate.
10. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.
11. Any cost incurred to conduct Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of any computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual.
12. Any news story, commentary, or editorial by a broadcasting stations, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including

an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears.

[WIS. STAT. § 11.0101\(8\)\(b\).](#)

Prohibited Contributions (from others to the recall committee)

Certain contributions are prohibited by Wisconsin law. A recall committee may not accept the following types of contributions:

1. Anonymous contributions of more than \$10. [WIS. STAT. § 11.1108](#);
2. Contributions in cash of more than \$100. [WIS. STAT. § 11.1107](#);
3. Contributions given in the name of someone other than the contributor. [WIS. STAT. § 11.1204\(1\)](#);
4. Contributions from corporations, associations, labor organizations, or tribes. [WIS. STAT. § 11.1112](#);
5. Contributions from foreign nationals. [WIS. STAT. §§ 11.1208\(4\)](#).

Contributions Unlimited

Unless the contribution is prohibited in the section above, there are no limits on contributions to a recall committee. [WIS. STAT. § 11.1104\(11\)](#).

Required Information for Contributions

1. The date, full name, and street address of each person who has made a contribution to the committee, together with the amount of the contribution. [WIS. STAT. § 11.0904\(1\)\(a\)1](#).
2. The occupation, if any, of each individual contributor whose cumulative contributions to the committee for the calendar year are in excess of \$200. [WIS. STAT. § 11.0904\(1\)\(a\)3](#).
3. An itemized statement of contributions made anonymously to the committee. If the contribution exceeds \$10, the committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization and shall include the full name and mailing address of the donee. [WIS. STAT. § 11.0904\(1\)\(a\)4](#).
4. A statement of totals during the reporting period of contributions received and contributions donated. [WIS. STAT. § 11.0904\(1\)\(a\)5](#).

Contributions and Other Income from Businesses

1. Corporations **may not contribute** to recall committees in the State of Wisconsin. [WIS. STAT. § 11.1112](#).
2. Sole proprietorships may contribute. The contribution must be reported under the name of the individual owner. [WIS. STAT. § 11.1113\(1\)](#).
3. Partnerships may contribute. The contribution must be reported under the names of the individual owners. The partnership may agree beforehand on how to allocate a portion of the contribution to each partner. If the partnership does not inform the committee how the contribution should be allocated between the partners, then the contribution should be divided up according to each partner's share of the partnership's profits. [WIS. STAT. § 11.1113\(2\)](#).
4. LLCs taxed as a sole proprietorship or partnership may contribute. The contribution must be reported under the name(s) of the individual owner(s). If there is more than one owner,

contributions should be allocated as described in the partnership section above. [WIS. STAT. § 11.1113\(3\)](#).

Occasionally, a committee may receive other income, like interest on a savings or checking account, or a refund of a security deposit, from a business. This other income is not a contribution and may be accepted from any type of business. [WIS. STAT. § 11.0101\(8\)\(b\)](#). The income should be reported on Schedule 1-C (Other Income), rather than Schedule 1-A, where contributions are reported. [WIS. STAT. § 11.0904\(1\)\(a\)10](#).

In-Kind Contributions

An in-kind contribution is any good, service, or property offered to the recall committee free of charge or at less than the usual cost, or payment of a registrant's obligations for such goods, services or property. [WIS. STAT. § 11.0101\(8\)\(a\)2](#). For example, if a volunteer purchases stamps that are used for a mailing and is not reimbursed for the cost of the stamps, the value of the stamps is an in-kind contribution to the committee from that person. When an individual is paid to work on behalf of a committee by a political committee or some other individual, the payment for those services is an in-kind contribution to the committee. If a political committee or individual offers to provide food and beverages for a fundraiser at less than the ordinary market price, the difference between the ordinary market price and the cost to the committee is an in-kind contribution from the political committee or individual. If another committee pays for a newspaper, radio, or TV ad on behalf of the recall committee, that ad would be an in-kind contribution.

Before making an in-kind contribution, the contributor is required to notify the treasurer of the committee and obtain either oral or written consent to the contribution. [WIS. STAT. § 11.1109](#). If the contributor does not know the actual value of the contribution, a good faith and reasonable estimate of the fair market value should be provided to the recall committee before the closing date of the next campaign finance report in which the contribution is required to be listed. [WIS. STAT. § 11.1105](#), [WIS. ADMIN. CODE ETH 1.20\(5\)](#).

In-kind contributions are subject to the same itemization thresholds as monetary contributions. [WIS. STAT. § 11.0101\(8\)](#).

Reporting In-Kind Contributions in CFIS

An in-kind contribution received by the recall committee is reported by the committee as **both a receipt and expenditure**. Reporting the amount of the in-kind contribution as a contribution allows the committee to disclose the receipt of the contribution on its campaign finance report along with cash contributions received and track year to date and campaign period totals. To keep the committee's cash balance accurate, the amount of the in-kind is also reported as an expenditure. The two entries offset each other so as to not affect the committee's cash balance.

If an estimate of the value of an in-kind contribution is the only value available at the time the committee is required to file a report, the committee must report the estimated value of the contribution. [WIS. ADMIN. CODE ETH 1.20\(7\)](#). When the actual value of the estimated in-kind contribution is known, the actual amount is reported as an amendment to the original campaign finance report. *Id.*

Returned Contributions

A committee may return a contribution at any time before or after it has been deposited. [WIS. STAT. § 11.1110\(1\)](#). Any contribution a committee returns to the donor after depositing it in the campaign account must be reported as a returned contribution to the contributor. A committee that accepts an unlawful contribution, reports that contribution, and returns that contribution within 15 days of the filing date for that report, does not violate the contribution or source limits. [WIS. STAT. § 11.1110\(2\)\(b\)](#).

Contributions Transferred through Conduits

A conduit is any individual, committee or group that receives contributions from individuals, deposits those contributions in a financial institution, and then transfers the contributions to a candidate or political committee selected by the original contributor. [WIS. STAT. § 11.0101\(7\)](#). The conduit may not exercise any discretion over the amount or ultimate recipient of the contributions. [WIS. STAT. § 11.0701\(3\)](#). A conduit is required to register with the Ethics Commission. [WIS. STAT. § 11.0702](#).

Reporting Conduit Contributions in CFIS

Conduits are required to provide a transmittal letter with contribution checks sent to a receiving committee. The transmittal letter must identify the organization as a conduit, and list the individual contributors, the amount of each individual's contribution, and the date the individual authorized the contribution. [WIS. STAT. § 11.0704\(1\)](#).

Contributions transferred through conduits are reported as contributions received from the individuals listed in the transmittal letter. [WIS. STAT. § 11.1106\(2\)](#). These contributions are reported under the individual's name. [WIS. STAT. § 11.1106\(1\)](#). They are subject to itemization on the same basis as other individual contributions. [WIS. STAT. § 11.0904\(1\)\(a\)](#).

Disbursements

“Disbursement” means any of the following:

1. An expenditure by a committee from the committee's depository account.
2. The transfer of tangible personal property or services by a committee.
3. A transfer of funds between committees.
4. The purchase of a ticket for a fundraising event for a committee regardless of whether the ticket is used to attend the event.

[WIS. STAT. § 11.0101\(10\)\(a\).](#)

“Disbursement” does not include any of the following:

1. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting or aiding the organization.
2. A communication or Internet activity by an individual acting in his or her own behalf, or acting on behalf of another person if the individual is not compensated specifically for those services, including the cost or value of computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual.
3. Any news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears.
4. A nominal fee paid for a communication to the general public.

[WIS. STAT. § 11.0101\(10\)\(b\).](#)

Required Information for Disbursements

1. An itemized statement of every disbursement exceeding \$20 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. [WIS. STAT. § 11.0904\(1\)\(a\)8.](#)
2. A statement of totals during the reporting period of disbursements made. [WIS. STAT. § 11.0904\(1\)\(a\)10.](#)

Obligations and Loans

Committees are required to make full reports of all obligations received, made and incurred by the committee. The committee needs to include in each report information covering the period since the last date covered on the previous report. [WIS. STAT. § 11.0904\(1\)\(a\)](#).

“Obligation” means any express agreement to make a disbursement, including the following:

1. A loan or loan guarantee.
2. A promise to purchase, rent, or lease tangible personal property.
3. A promise to pay for a service that has been or will be performed.

[WIS. STAT. § 11.0101\(23\)](#).

Required Information for Obligations

1. 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 must be reported in campaign finance reports. [WIS. STAT. § 11.0904\(1\)\(a\)9](#).
2. A statement of the balance of obligations incurred as of the end of the reporting period. [WIS. STAT. § 11.0904\(1\)\(a\)11](#).

Required Information for Loans

Each loan of money made to the committee in an aggregate amount or value in excess of \$20, must be reported with all of the following:

1. The full name and mailing address of the lender.
2. A statement of whether the lender is a commercial lending institution.
3. The date and amount of the loan.
4. The full name and mailing address of each guarantor, if any.
5. The original amount guaranteed by each guarantor.
6. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

[WIS. STAT. § 11.0904\(1\)\(a\)7](#).

Cash Balances

Committees are required to provide a statement of the cash on hand at the beginning and end of each reporting period. [WIS. STAT. § 11.0904\(1\)\(a\)6](#). State-level committees will be prompted to provide the beginning and ending cash balances when certifying the campaign finance report in CFIS.

Coordination with Candidate Committees

Recall committees may coordinate with candidate committees. A coordinated expense on behalf of a committee counts as a contribution to that committee and must be reported as such.

An expenditure for express advocacy is coordinated if any of the following applies:

1. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party communicates directly with the political action committee, independent expenditure committee, other person, or individual making the expenditure to specifically request that the political action committee, independent expenditure committee, other person, or individual make the expenditure that benefits the candidate and the political action committee, independent expenditure committee, other person, or individual explicitly assents to the request before making the expenditure; or
2. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party exercises control over the expenditure or the content, timing, location, form, intended audience, number, or frequency of the communication.

[Wis. STAT. § 11.1203\(2\)\(a\).](#)

A “candidate’s agent” means “an individual who has control over day-to-day operation of the candidate committee...” and would include a treasurer or other officer of the committee. [WIS. STAT. § 11.0101\(3\).](#)

“Express advocacy” means:

A communication that contains terms such as the following with reference to a clearly identified candidate and that unambiguously relates to the election or defeat of that candidate:

- (a) “Vote for;”
- (b) “Elect;”
- (c) “Support;”
- (d) “Cast your ballot for;”
- (e) “Smith for ... (an elective office);”
- (f) “Vote against;”
- (g) “Defeat;”
- (h) “Reject;” or
- (i) “Cast your ballot against.”

[Wis. STAT. § 11.0101\(11\).](#)

If an expenditure for express advocacy is coordinated with a candidate committee the recall committee must report the expenditure as a contribution to that committee as required by [WIS. STAT. § 11.0904\(1\)\(a\).](#)

The amount of the coordinated contribution is subject to contributions limits provided for in [WIS. STAT. §11.1101.](#)

Use of publicly available information when creating, producing, or distributing express advocacy communications does not constitute coordination.

Independent Expenditures

An independent expenditure is an expenditure for express advocacy that is not made in coordination with a candidate, candidate committee, candidate's agent, legislative campaign committee, or political party. [WIS. STAT. § 11.0101\(16\)](#). A recall committee must report all of its receipts and expenses, including its independent expenditures as required by [WIS. STAT. § 11.0904\(1\)\(a\)](#).

CAMPAIGN FINANCE REPORTS

All registrants that are not exempt from filing must file campaign finance reports. Committees must continue to file periodic reports until termination of their registration. These reports must be filed with the appropriate local filing officer when due. Any state-level recall committee must file reports electronically through the CFIS website (<https://cfis.wi.gov/>). [WIS. STAT. § 11.1304\(6\)](#).

The information listed on the campaign finance report discloses the financial activity of the recall committee. The law requires disclosure of income, disbursements, and incurred obligations. [WIS. STAT. § 11.0904\(1\)\(a\)](#). Committee treasurers must exercise diligence in acquiring and furnishing the contributor information required on the receipt schedules. For all contributors, the report must disclose the individual's name and address. [WIS. STAT. § 11.0904\(1\)\(a\)1](#). If the individual's year-to-date total exceeds \$200, you must also provide the individual's occupation. [WIS. STAT. § 11.0904\(1\)\(a\)3](#).

Treasurers are required to make a "good faith effort" to obtain all information required on the reports. [WIS. STAT. § 11.0103\(1\)\(a\)](#).

Types of Reports

Recall committees must file reports based on when the recall primary and election will appear on the ballot. If the recall is on the ballot for a primary election, the recall committee must file a report before the primary election and the general election. If the recall is on the ballot for an April or a November election, the recall committee must file a report before the general election. Recall committees must also file continuing reports in January and July of each year until they terminate (or go on exempt status). [WIS. STAT. § 11.0904](#).

Recall committees that will not spend or receive more than \$2,000 in a calendar year may amend their registration and claim "exempt" status, which means they do not have to file campaign finance reports. See the section "[EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS](#)" for more information.

Reporting Periods and Elections:

Spring Primary: A committee that engages in recall activity for a non-partisan state or local office with a primary must file: (1) a pre-primary report; (2) a pre-election report; and (3) annually in each year of an election cycle, a report on January 15 and July 15. [WIS. STAT. § 11.0904\(2\)](#).

Spring Election: A committee that engages in recall activity for a non-partisan state or local office elected at the Spring Election must file: (1) a pre-election report; and (2) annually in each year of an election cycle, a report on January 15 and July 15. [WIS. STAT. § 11.0904\(3\)](#).

Partisan Primary: A committee that engages in recall activity for a partisan state or local office that has a primary must file: (1) a pre-primary report; (2) a pre-election report; (3) in an odd-numbered year, a report on January 15 and July 15; and (4) in an even-numbered year, a report on January 15 and July 15 and on the 4th Tuesday in September. [WIS. STAT. § 11.0904\(4\)](#).

General Election: A committee that engages in recall activity for a partisan state or local office elected at a general election must file: (1) a pre-election report; (2) in an odd-numbered year, a report on January 15 and July 15; and (3) in an even-numbered year, a report on January 15 and July 15 and on the 4th Tuesday in September. [WIS. STAT. § 11.0904\(5\)](#).

If the Election has not yet been ordered: Recall committees must file a report on January 15 and July 15. If the recall election has not been ordered or is never ordered, all recall committees must file those two reports every year. The only exception is for recall committees that have claimed the filing exemption. Committees recalling a state or local partisan office must also file reports on the 4th Tuesday in September in even-numbered years. [WIS. STAT. § 11.0904.](#)

Reporting deadlines can be found on the Ethics Commission's website at:

<https://ethics.wi.gov/Pages/CampaignFinance/ReportPeriods.aspx>

Local Committees: How to Complete Campaign Finance Reports

The Ethics Commission requires candidate committees at the local level to file all necessary reports with the appropriate filing officer utilizing the:

- Local Campaign Finance Report Template on paper (<https://ethics.wi.gov/Resources/CF-2L>) or,
- Electronic Local Campaign Finance Report Template (<https://ethics.wi.gov/Resources/CF-2LE>) if the filing officer accepts electronic format.

All contributions received by the committee must be reported in Schedule 1-A (Receipts) of the campaign finance report. Contributions and loans from individuals are listed in Schedule 1A (Contributions Including Loans from Individuals). Contributions from other committees, such as political action committees, political party committees, and other candidate committees, are reported in Schedule 1-B (Contributions from Committees). All other income such as loans from financial institutions, contributions returned from other registrants, refunds, returns of deposits or interest on investments are reported in Schedule 1-C (Other Income and Commercial Loans). The date which must be provided for all contributions is the date the committee **received** the contribution, that is, the date it acquired possession and control of the contribution, **not** the date of deposit or date on the check (unless all dates are the same). [WIS. STAT. § 11.0103\(2\)\(a\)1.](#)

All money spent by the committee is reported in Schedule 2 (Disbursements) of the campaign finance report. General operating expenditures are listed in Schedule 2-A (Gross Expenditures). Contributions to other political committees are listed in Schedule 2-B (Contributions to Committees).

Additional information required to be disclosed is reported in Schedule 3 (Additional Disclosure) of the campaign finance report. All obligations of the committee such as unpaid debts are listed in Schedule 3-A (Incurred Obligations Excluding Loans). Loans and the individuals who guarantee loans for the committee are listed in Schedule 3-B (Loans).

Schedule 4 of the campaign finance report form (Termination Request) is used for requests to terminate a committee.

No-Activity Reports

If a candidate receives no contributions, makes no disbursements and incurs no obligations during a reporting period, the registrant may file a "No Activity Report" ([https://ethics.wi.gov/Resources/CF-2NA Statement of No Activity.pdf](https://ethics.wi.gov/Resources/CF-2NA%20Statement%20of%20No%20Activity.pdf)). This form should be used **only** when there has been no financial activity and the cash balance remains unchanged during the reporting period. [WIS. STAT. § 11.0103\(3\)\(d\).](#)

State-level Committees: How to Complete Campaign Finance Reports in CFIS

There are two ways to enter campaign finance transactions (contributions and disbursements):

- Using the online screens in the Campaign Finance Information System (“CFIS”), and
- Using the CFIS upload templates.

Every committee must use one of the specified, approved forms. [WIS. STAT. § 11.1304\(1\)](#). A committee that chooses to use an upload template with schedule detail must use the approved template. Committees can find upload templates on the CFIS site in the “**Upload Transactions**” section of the menu.

For detailed instructions on how to complete and file the campaign finance report, go to <https://cfis.wi.gov> and click on the **CFIS Manuals** link in the center of the page, or go to the Ethics Commission **CFIS Manuals & Frequently Asked Questions** page: <https://ethics.wi.gov/Pages/CampaignFinance/CFISManuals.aspx>.

Filing Reports in CFIS

State-level recall committees file campaign finance reports electronically through the CFIS website. The help screens on that site may answer some of your questions. When you have entered all transactions for a reporting period, the CFIS system will automatically generate the report for you and place all transactions on the appropriate schedules.

All contributions received by the committee must be reported in Schedule 1 (Receipts) of the campaign finance report. Contributions and loans from individuals are listed in Schedule 1A (Contributions Including Loans from Individuals). Contributions from other committees, such as political action committees, political party committees, and candidate committees, are reported in Schedule 1B (Contributions from Committees). All other income such as loans from financial institutions, contributions returned from other registrants, refunds, returns of deposits or interest on investments are reported in Schedule 1C (Other Income and Commercial Loans). The date which must be provided for all contributions is the date the committee **received** the contribution, that is, the date it acquired possession and control of the contribution, **not** the date of deposit or date on the check (unless all dates are the same). [WIS. STAT. § 11.0103\(2\)](#).

All money spent by the committee is reported in Schedule 2 (Disbursements) of the campaign finance report. General operating expenditures are listed in Schedule 2A (Gross Expenditures). Contributions to other political committees are listed in Schedule 2B (Contributions to Committees).

Additional information required to be disclosed is reported in Schedule 3 (Additional Disclosure) of the campaign finance report. All obligations of the committee such as unpaid debts are listed in Schedule 3A (Incurred Obligations Excluding Loans). Loans and the individuals who guarantee loans for the committee are listed in Schedule 3B (Loans).

Schedule 4 of the campaign finance report form (Termination Request) is used for requests to terminate a committee.

ATTRIBUTION STATEMENTS (DISCLAIMERS)

Attribution statements, commonly referred to as disclaimers, are statements required to be placed on any communication containing express advocacy in order to identify the person(s) who paid for and/or authorized the communication. [WIS. STAT. § 11.1303\(2\)](#).

No disbursement by a committee may be made anonymously and no contribution or disbursement may be made in a fictitious name or by one person or organization in the name of another. [WIS. STAT. § 11.1303\(1\)](#).

Every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, or other communication containing express advocacy which is paid for by any contribution or disbursement shall clearly identify its source. [WIS. STAT. § 11.1303\(2\)\(a\)](#).

Every communication containing express advocacy the cost of which is paid for or reimbursed by a committee, or for which a committee assumes responsibility, whether by accepting a contribution or making a disbursement, shall identify its source by the words "Paid for by" followed by the name of the committee making the payment or reimbursement or assuming responsibility for the communication and may include the name of the treasurer or other authorized agent of the committee. [WIS. STAT. § 11.1303\(2\)\(b\)](#).

Attribution statements must be readable, legible, and readily accessible. [WIS. STAT. § 11.1303\(2\)\(g\)](#).

Attribution statements do not apply to communications containing express advocacy printed on small items, which would normally require a disclaimer, but cannot be conveniently printed, including text messages, social media communications, and certain small advertisements on mobile phones. [WIS. STAT. § 11.1303\(2\)\(f\)](#).

Formats for Disclaimers

When a communication is paid for by a committee, the disclaimer must include the words "Paid for by," followed by the name of the committee:

"Paid for by the Recall Committee."

The disclaimer may also include the name of the treasurer or other authorized agent:

"Paid for by the Recall Committee, James Jones, Treasurer."

When a communication for express advocacy is paid for by the committee in coordination with a recall committee, both the committee making the payment and the committee accepting the in-kind contribution should be listed:

"Paid for by the Recall Committee, Authorized by Mary Smith for Governor."

[WIS. STAT. § 11.1303\(2\)\(b\)](#).

When a committee places a communication for express advocacy that is not in coordination with a candidate, that committee should include the words "Not authorized by any candidate or candidate's agent or committee" in the attribution:

“Paid for by the Recall Committee, Not Authorized by Any Candidate or Candidate’s Agent or Committee”

[WIS. STAT. §11.1303\(2\)\(d\).](#)

TERMINATION OF REGISTRATION AND REPORTING REQUIREMENTS

A recall committee may terminate its registration if it meets the following requirements. [WIS. STAT. § 11.0105](#):

1. Determines that all financial activity will stop, and that it will no longer receive contributions, make disbursements, or incur obligations; and
2. Files a termination campaign finance report showing that all incurred obligations have been paid or satisfied, and that the cash balance has been reduced to zero; and,
3. Completes a request for termination.

Recall committees that wish to remain active with limited financial activity may file for “exempt” status, which means they would not have to file campaign finance reports during that time. See the section “[EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS](#)” for more information.

Disposal of Residual Funds

Residual funds may be used for any purpose that is not for an individual’s strictly personal use and is not prohibited by law, including:

1. Repaying any outstanding loans. If loans are not repaid, they must be forgiven before the committee can request termination; or
2. Returning money to contributors in amounts that are not more than the contributor’s original contribution (note: the treasurer may choose which contributors to refund. The committee is not required to pro-rate and return a portion to all contributors); or
3. Donating money to any tax-exempt charitable organization or the Common School Fund; or
4. Transferring money to another political committee; or
5. Using any combination of the above.

WIS. STAT. [§§ 11.0105, 11.1208\(2\)\(a\)](#).

Prior to making these disbursements of residual funds, the committee must make sure it does not have any pending fees or settlement offers.



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
101 East Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53703-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

CERTIFICATION OF AGENCY HEAD

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'D. Carlton, Jr.' with a stylized flourish at the end.

Daniel Carlton, Jr.
Commission Administrator
Wisconsin Ethics Commission

Wisconsin Ethics Commissioners

Mac Davis | David R. Halbrooks | Katie McCallum | Tamara Packard | Pat Strachota | Timothy Van Akkeren

Administrator

Daniel A. Carlton, Jr.