

TEXT OF RULE

SECTION 1. ETH 1.20 (9) is amended to read:

ETH 1.20 (9) Any registrant who makes or receives an in-kind contribution shall report the contribution on ~~Schedule 3-C~~ of its campaign finance report.

SECTION 2. ETH 1.26 (2) is amended to read:

ETH 1.26 (2) The return of a contribution is not a disbursement ~~subject to the limitations on disbursements in s. 11.31, Stats., and it is not a contribution subject to the limitations on contributions in ss. 11.1101, 11.1103, 11.1104, and 11.1105, Stats.~~

SECTION 3. ETH 1.26 (6) is amended to read:

ETH 1.26 (6) A registrant who receives a return of contribution shall report it on the campaign finance report, ~~Form EB-2, on Schedule 1-C, OTHER INCOME,~~ and shall designate this as "return of contribution."

SECTION 4. ETH 1.60 (1) (b) is amended to read:

ETH 1.60 (1) (b) An authorized expenditure for consulting services made by a candidate, candidate's committee, political action committee, or political party ~~committee~~ on behalf of another candidate shall be reported as an in-kind contribution to the candidate on whose behalf the expenditure was made, ~~except that expenditures made by political party committees on behalf of that party's presidential candidates shall not be reportable and shall not count against that party's state or local candidates' applicable contribution limits under ss. 11.1101, 11.1103, 11.1104, and 11.1105, Stats., and spending limits under s. 11.31 (2), Stats., except as provided in par. (c).~~

SECTION 5. ETH 1.70 (1) is amended to read:

ETH 1.70 (1) A candidate for or a person elected to a state or local office does not make an in-kind contribution to another candidate for a state or local office in another district when a candidate or election official travels to the district of the other candidate for political purposes. The candidate for or person elected to state or local office may be reimbursed from his or her ~~personal campaign candidate~~ committee ~~subject to the applicable spending limits of s. 11.31 (2), Stats., and s. ETH 1.44~~ and is deemed to provide nonreportable volunteer services to the candidate in the other district.

SECTION 6. ETH 1.855 (2) is amended to read:

ETH 1.855 (2) A contribution from a conduit account shall be in the form of a check or other negotiable instrument made out to the named candidate or to the candidate's ~~personal campaign~~ committee, or to a legislative campaign committee, political party ~~committee~~, or support

~~committee under s. 11.18, Stats~~ political action committee. A conduit may not make an in-kind contribution as defined in s. ETH 1.20 (1) (e).

SECTION 7. ETH 1.96 is created to read:

ETH 1.96 Attribution requirements.

(1) DEFINITIONS. In this section:

- (a) “Readable” means able to be read easily.
- (b) “Legible” means each individual letter or character is clearly printed so it can be easily understood.
- (c) “Readily accessible” means capable of being seen without much difficulty.

(2) SPECIFICATIONS FOR ALL ATTRIBUTIONS. The language required by s. 11.1303, Stats., shall be presented in a clear and conspicuous manner that gives the recipient of the communication adequate notice of the identity of the person making the payment or reimbursement or assuming responsibility for the communication.

(3) ADDITIONAL SPECIFICATIONS FOR ATTRIBUTIONS IN WRITTEN COMMUNICATIONS. Written communications shall include an attribution containing the language required by s. 11.1303, Stats., in a manner that is readable, legible, and readily accessible. It is prima facie evidence that an attribution is readable, legible, and readily accessible if the attribution meets all of the following requirements:

- (a) It appears in a sans-serif font.
- (b) It meets the following applicable minimum font size:
 - 1. An attribution on a written communication measuring no larger than 8.5 inches by 11 inches must be printed in at least 10-point font;
 - 2. An attribution on a written communication that is larger than 8.5 inches by 11 inches, but is not larger than 24 inches by 36 inches, must be printed in at least 12-point font; or
 - 3. An attribution on any other written communication must appear in letters that are at least four percent of the vertical height of the written communication.
- (c) It appears in black text on a white background, or the degree of contrast between the background color and the text color is at least as great as the degree of contrast between the background color and the color of the largest text in the communication.
- (d) It remains visible for a period of at least four seconds.

(4) ADDITIONAL SPECIFICATIONS FOR ATTRIBUTIONS IN AUDIO-ONLY COMMUNICATIONS.

Communications that include only audio shall include an attribution containing the language required by s. 11.1303, Stats., in a manner that is clearly spoken.

(5) MATERIAL THAT DOES NOT NEED AN ATTRIBUTION. Communications that are contained in or on any of the following do not require attributions under s. 11.1303, Stats.:

(a) Business cards.

(b) Buttons.

(c) Pencils.

(d) Pens.

(e) Pins.

(f) Skywriting.

(g) Tickets.

(h) Small online ads and similar electronic communications where the language required by s. 11.1303, Stats., could not conveniently be included, and that either link directly to a website that includes the required attribution, or provide an automatic display that includes the attribution.

1. Sponsors of such small online ads or similar electronic communications must be able to establish, at the Commission's request, that including the attribution on the ad or communication was not possible due to size or technological constraints.
2. The link required by par. (h) must direct the recipient of the small online ad or similar electronic communication to the attribution in a manner that is readable, legible, and readily accessible, with minimal effort and without viewing extraneous material.
3. The automatic display required by par. (h) must display to the recipient of the small online ad or similar electronic communication the attribution in a manner that is readable, legible, and readily accessible. Examples of acceptable automatic display mechanisms include, but are not limited to, non-blockable pop-ups, roll-overs, or other similar mechanisms.

SECTION 8. EFFECTIVE DATE.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2), Stats.