

NOTICE OF PROPOSED GUIDANCE DOCUMENT

CAMPAIGN FINANCE OVERVIEW – POLITICAL PARTY COMMITTEES & LEGISLATIVE CAMPAIGN COMMITTEES

Pursuant to s. 227.112, Wis. Stats., the Wisconsin Ethics Commission is hereby seeking comment on the Campaign Finance Overview – Political Party Committees & Legislative Campaign 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 August 12, 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.

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CAMPAIGN FINANCE OVERVIEW

Political Party Committees & Legislative Campaign Committees

Published: July 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 political party committees and legislative campaign committees.

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

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REGISTRATION REQUIREMENTS

A political party committee is defined as:

1. A state committee under whose name candidates appear on a ballot at any election and all county, legislative, local, and other affiliated committees authorized to operate under the same name.
2. A committee described under subd. 1. that makes and accepts contributions and makes disbursements to support or oppose a candidate for state or local office or to support or oppose a referendum held in this state.

[WIS. STAT § 11.0101\(26\)](#).

A “legislative campaign committee” means a committee organized in either house of the legislature to support a candidate of a political party for legislative office. [WIS. STAT. § 11.0101\(19\)](#).

When Political Party and Legislative Campaign Committees are Required to Register

A political party or legislative campaign committee must register “upon its inception” and before making or accepting any contributions or disbursements to support or oppose candidates. WIS. STAT. §§ [11.0302](#), [11.0402](#).

A legislative campaign committee is required to obtain a statement signed by the leader of the party in the house for which the legislative campaign committee is established attesting that the legislative campaign committee is the only authorized legislative campaign committee for that party in that house. [WIS. STAT. § 11.0403\(1\)\(d\)](#).

All political parties must register at the state level – with the Wisconsin Ethics Commission. This applies to campus, regional, county, and state political party committees, even if they will only be spending on local offices. Political party committees register online at <https://cfis.wi.gov>. When completed, to activate your registration, you must print the form and send a signed copy to the Wisconsin Ethics Commission by email (campaignfinance@wi.gov), fax (608-264-9319) or US mail (PO Box 7125, Madison, WI 53707-7125).

After filing the registration statement, a committee may begin receiving and disbursing funds. WIS. STAT. §§ [11.0302](#), [11.0402](#). The committee’s financial activities must be reported to the Ethics Commission on campaign finance reports, unless the committee has claimed an exemption from filing reports. WIS. STAT. §§ [11.0103](#), [11.0104](#). These reports will disclose information on the receipts, expenditures, incurred obligations and loans of the committee. WIS. STAT. §§ [11.0304\(1\)\(a\)](#), [11.0404\(1\)\(a\)](#).

Completing a Registration Statement

Registration statements are completed electronically using the Campaign Finance Information System (CFIS) website. [WIS. STAT. § 11.1304\(1\)](#). The website address is <https://cfis.wi.gov>. For questions while filing a registration statement, please click “[Need Help? Review the User’s Guide and FAQ](#)” link at the bottom of every CFIS web page or call our office.

The following information is required on the registration statement:

1. Name and mailing address of the committee;
2. Name and mailing address of the treasurer and any other custodian of the books and accounts;
3. Name and address of the financial institution for the depository account, and any other institution where funds are kept;
4. Legislative Campaign Committees require a statement signed by the leader of the party in the house the committee is established, stating this is the only Legislative Campaign Committee authorized by that party in that house ([WIS. STAT. § 11.0403\(1\)\(d\)](#)); and
5. Signature of the treasurer or individual certifying that all information is true, correct, and complete.

WIS. STAT. §§ [11.0303](#), [11.0403](#).

Amending a Registration Statement

When any of the information reported on the registration statement changes, an amendment to the registration statement must be filed with the Wisconsin Ethics Commission within **ten days**. WIS. STAT. §§ [11.0303\(3\)\(a\)](#), [11.0403\(3\)\(a\)](#). The administrator or treasurer of the committee can update their registration statements online in CFIS. WIS. STAT. §§ [11.0303\(3\)\(b\)](#), [11.0403\(3\)\(b\)](#).

Registering a Segregated Fund

Every political party and legislative campaign committee may establish a separate segregated fund for purposes other than making contributions to a candidate committee or making disbursements for express advocacy. [WIS. STAT. § 11.1104\(6\)](#).

If the committee has a segregated fund, check off the checkbox affirming that fact on the registration statement, and supply the name and address of the financial institution for the segregated fund. WIS. STAT. §§ [11.0303\(1\)\(c\)](#), [11.0403\(1\)\(c\)](#). Any party or legislative campaign committee that has established a segregated fund is required to disclose the name of the fund on the registration statement and is required to file separate campaign finance reports itemizing any receipts and disbursements of the fund. [2017 ETH 03](#).

EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS

Eligibility

Political party or legislative campaign committees may be eligible for an exemption from filing campaign finance reports if the committee anticipates that it will not accept contributions, make disbursements, or incur loans and other obligations in an aggregate amount exceeding \$2,000 in a calendar year. [WIS. STAT. § 11.0104](#).

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 requiring committees to renew their exemption status annually.

If a committee wishes to renew its exempt status, it should file an amendment to the registration statement.

Financial Records During Exemption

When a committee is exempt, it is not required to file any campaign finance reports. However, the administrator or 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 committee participates. WIS. STAT. §§ [11.0301\(4\)](#), [11.0401\(4\)](#).

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 within **ten days**. WIS. STAT. §§ [11.0303\(3\)\(a\)](#), [11.0403\(3\)\(a\)](#). The committee is then required to file campaign finance reports beginning with the next regular report due after the earlier of either the date that the amended registration was filed or the date that the committee exceeded \$2,000 in aggregate contributions, disbursements, or obligations. [WIS. STAT. § 11.0104\(3\)](#).

CONTRIBUTION LIMITS

Political party and legislative campaign committees may make contributions to candidate committees in unlimited amounts. [WIS. STAT. § 11.1104\(5\)](#).

Political party committees and legislative campaign committees may make contributions to a political action committee (PAC), other political party committees, and legislative campaign committees in unlimited amounts. WIS. STAT. § [11.1104\(1\)-\(4\)](#).

Contributions to a political party or legislative campaign committee from individuals, candidate committees, legislative campaign committees, or other party committees may be made in unlimited amounts. [WIS. STAT. § 11.1104\(3\), \(4\)](#).

Political party and legislative campaign committees may accept up to \$12,000 per calendar year from a single PAC. [WIS. STAT. § 11.1104\(4\)\(b\)](#). “Other persons” (generally groups not registered as a committee in Wisconsin) have the same limits. WIS. STAT. §§ [11.1101\(4\)](#), [11.1104\(4\)\(b\)](#).

The contribution limit applies globally to the political party or legislative campaign committee and its segregated fund, as segregated funds are not separate entities, i.e., a political action committee can only give \$12,000 per year to the political party or legislative campaign committee between its general and segregated funds, not \$12,000 to each, unless otherwise pre-empted by federal law. [2017 ETH 03](#).

A segregated fund may take up to \$12,000 per calendar year from corporations, associations, American Indian Tribes, and unions. [WIS. STAT. § 11.1112](#).

Contributions used to pay legal fees and other expenses incurred in connection with a recount or petitions to recall an officer are not subject to contribution limits. To qualify for this exclusion, recall expenses must occur before the recall primary or election is ordered, or in contesting or defending the order. Contributions used to pay recount or recall expenses must be reported on the regular campaign finance reports. Both the contributor and the candidate should indicate which contributions are being used for this purpose. [WIS. STAT. § 11.1104\(9\)-\(11\)](#).

For more information on contribution limits, go to <https://ethics.wi.gov>.

CONTRIBUTIONS AND DISBURSEMENTS

Contributions

“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; or
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; or
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\(8\)\(b\)](#).

Required Information for Contributions

1. The date, full name, and street address of each person who has made a contribution to the political party or legislative campaign committee, together with the amount of the contribution. WIS. STAT. §§ [11.0304\(1\)\(a\)1](#), [11.0404\(1\)\(a\)1](#).
2. The occupation, if any, of each individual contributor whose cumulative contributions to the political party or legislative campaign committee for the calendar year are in excess of \$200. WIS. STAT. §§ [11.0304\(1\)\(a\)3](#), [11.0404\(1\)\(a\)3](#).
3. An itemized statement of each contribution made anonymously to the political party or legislative campaign 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. §§ [11.0304\(1\)\(a\)4](#), [11.0404\(1\)\(a\)4](#).
4. A statement of totals during the reporting period of contributions received and contributions donated. WIS. STAT. §§ [11.0304\(1\)\(a\)5](#), [11.0404\(1\)\(a\)5](#).

In-Kind Contributions

An in-kind contribution is any good, service, or property offered to the political party or legislative campaign 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 the volunteer is not reimbursed for the cost of the stamps, the value of the stamps is an in-kind contribution to the political party or legislative campaign committee from that volunteer. When an individual is paid to work on behalf of a political party or legislative campaign committee by another committee or some other person, the payment for those services is an in-kind contribution to the political party or legislative campaign committee from that committee or other person. If another committee or person 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 political party or legislative campaign committee is an in-kind contribution from the other committee or person. If another committee or person pays for a newspaper, radio, or TV ad, and coordinates with the political party or legislative campaign committee about the content, timing, or other details of that ad, that ad would be an in-kind contribution from the other committee or person.

Before making an in-kind contribution, the contributor is required to notify the political party or legislative campaign committee, committee's agent, or the administrator or 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 political party or legislative campaign 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 and the same contribution limits as monetary contributions. [WIS. STAT. § 11.0101\(8\)](#). Monetary contributions and in-kind contributions from a single contributor are added together for the purposes of determining compliance with contribution limits and the year-to-date amount for a specific contributor. WIS. STAT. §§ [11.0101\(8\)](#), [11.1103](#).

Reporting In-Kind Contributions in CFIS

An in-kind contribution received by a political party or legislative campaign 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.*

Contributions and Other Income from Businesses

Some types of businesses may make contributions, but the rules vary by the type of business.

1. Corporations **may not contribute** to political party or legislative campaign committees in the State of Wisconsin, only to their segregated fund. [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 is considered a contribution made by each of the contributing partners. The partnership shall provide the committee the names of the contributing partners and amount of each individual's donation. The contribution should be attributed to each individual according to each partner's share of the partnership's profits, unless the partners agree to a different allocation. [WIS. STAT. § 11.1113\(2\)](#).
4. LLCs that are taxed as corporations **may not contribute** to political parties or legislative campaign committees in the State of Wisconsin, only to their segregated fund.
5. 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 political party or legislative campaign 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 as "Other Income," in campaign finance reports. WIS. STAT. §§ [11.0304\(1\)\(a\)10](#), [11.0404\(1\)\(a\)10](#).

Returned Contributions

A political party or legislative campaign 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 committee 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 person other than an individual, 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. §§ 11.0304\(1\)\(a\), 11.0404\(1\)\(a\)](#).

Prohibited Contributions

Certain contributions are prohibited by Wisconsin law. A 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 organized under ch. 185 or 193, labor organizations, or federally recognized American Indian Tribes, except a contribution to a segregated fund ([WIS. STAT. § 11.1112](#));
5. Contributions more than the limits set by law ([WIS. STAT. §§ 11.1101, 11.1204\(3\)](#)); or
6. Contributions from foreign nationals ([WIS. STAT. §§ 11.1208\(4\)](#)).

A political party or legislative campaign committee should monitor contributions carefully. If the committee is aware that a contribution was received from a potentially prohibited source, the committee should ensure that the contribution is lawful. [WIS. STAT. § 11.1204\(3\)](#). It is recommended that a committee not accept any contributions if the committee cannot determine whether the contribution is lawful.

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; or
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; or
4. A nominal fee paid for a communication to the general public.

[WIS. STAT. § 11.0101\(10\)\(b\).](#)

Required Information for Disbursements

1. The date, full name, and street address of each committee to which the committee has made a contribution, together with the amount of the contribution. WIS. STAT. §§ [11.0304\(1\)\(a\)2](#), [11.0404\(1\)\(a\)2](#).
2. 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. §§ [11.0304\(1\)\(a\)8](#), [11.0404\(1\)\(a\)8](#).
3. A statement of totals during the reporting period of disbursements made. WIS. STAT. §§ [11.0304\(1\)\(a\)10](#), [11.0404\(1\)\(a\)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. §§ [11.0304\(1\)\(a\)](#), [11.0404\(1\)\(a\)](#).

“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; or
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. §§ [11.0304\(1\)\(a\)9](#), [11.0404\(1\)\(a\)9](#).
2. A statement of the balance of obligations incurred as of the end of the reporting period. WIS. STAT. §§ [11.0304\(1\)\(a\)11](#), [11.0404\(1\)\(a\)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; and
6. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

WIS. STAT. §§ [11.0304\(1\)\(a\)7](#), [11.0404\(1\)\(a\)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. §§ [11.0304\(1\)\(a\)6](#), [11.0404\(1\)\(a\)6](#). The committee will be prompted to provide the beginning and ending cash balances when certifying the campaign finance report in CFIS.

Coordination with Candidate Committees

Political party and legislative campaign committees may coordinate with candidate committees. The definition of coordination is listed below:

For purposes of this section, 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\(2\)\(a\).](#)

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 political party or legislative campaign committees must report the expenditure. WIS. STAT. §§ [11.0304\(1\)\(a\)](#), [11.0404\(1\)\(a\)](#).

Use of publicly available information when creating, producing, or distributing express advocacy communications does not constitute coordination. [WIS. STAT. § 11.1203\(3\)\(c\).](#)

CAMPAIGN FINANCE REPORTS

Political party and legislative campaign committees that are not exempt from filing must file campaign finance reports. Committees must continue to file periodic reports until termination of their committee. The reports must be submitted electronically via CFIS (<https://cfis.wi.gov/>). [WIS. STAT. § 11.1304\(6\)](#).

The information listed on the campaign finance report discloses the financial activity of the committee. The law requires disclosure of income, disbursements, and incurred obligations. [WIS. STAT. §§ 11.0304\(1\)\(a\), 11.0404\(1\)\(a\)](#). Political party and legislative campaign 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. §§ 11.0304\(1\)\(a\)1, 11.0404\(1\)\(a\)1](#). If the individual's year-to-date total exceeds \$200, you must also provide the individual's occupation. [Wis. Stat. §§ 11.0304\(1\)\(a\)3, 11.0404\(1\)\(a\)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

Political party and legislative campaign committees are required to file reports in January and July of each year until they terminate their registration. Committees that make contributions to candidates on the ballot must file election related reports.

Political party or legislative campaign 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](#)" above for more information.

Reporting Periods and Elections:

Spring Primary: A political party that engages in activity concerning a spring primary must file: (1) a preprimary 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. § 11.0304\(2\)](#).

Spring Election: A political party that engages in activity concerning a 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. § 11.0304\(3\)](#).

Partisan Primary: A political party or legislative campaign committee that engages in activity concerning a partisan 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. §§ 11.0304\(4\), 11.0404\(2\)](#).

General Election: A political party or legislative campaign committee that engages in activity concerning 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. §§ 11.0304\(5\), 11.0404\(3\)](#).

Reporting deadlines can be found on the Ethics Commission's website at:
<https://ethics.wi.gov/Pages/CampaignFinance/ReportPeriods.aspx>

How to Complete Campaign Finance Reports

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. Political party and legislative campaign 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

Political party and legislative campaign 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 candidate committees, political action committees, and other political party or legislative campaign 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\(2\)\(a\)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).

Termination Request, form CF-13 is used to request to terminate a political party or legislative campaign committees.

Special Report of Late Contribution (72-Hour Reporting)

Political party and legislative campaign committees must report contributions of \$1,000 or more, from a single contributor, **received** in the 14-day period before the primary or election within 72 hours of receipt. A special report of late contribution must be filed (1) for any contribution of \$1000 or more, or (2) for contributions from a single contributor totaling \$1000 or more **received** after the closing date of the pre-primary or pre-election report and before the primary or election is held. The report must be filed within 72 hours of **receiving** the contributions. The contribution must also be reported on the next full campaign finance report. WIS. STAT. §§ [11.0304\(7\)](#), [11.0404\(4\)](#).

No-Activity Report

If a political party or legislative campaign committee receives no contributions, makes no disbursements and incurs no obligations during a reporting period, the registrant may file a “No Activity Report.” 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\(3\)\(d\)](#).

Annual Filing Fee

Every political party or legislative campaign committee registered with the Wisconsin Ethics Commission 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 Wisconsin 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 political party 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 (\$300), or \$800 total. [WIS. STAT. § 11.1400\(4\)](#).

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 political party or legislative campaign 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 political party or legislative campaign committee, the disclaimer must include the words "Paid for by," followed by the name of the committee:

“Paid for by ABC Party of Wisconsin.”

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

“Paid for by ABC Party of Wisconsin, James Jones, Treasurer.”

When a communication is paid for by another in coordination with a political party or legislative campaign committee, both the person making the payment and the committee accepting the in-kind contribution could be listed:

“Paid for by ABC Party of Wisconsin, Authorized by Mary Smith for Governor.”

TERMINATION OF CAMPAIGN FINANCE REGISTRATION

A political party or legislative campaign committee may terminate its registration if it meets the following requirements [WIS. STAT. § 11.0105](#):

1. It determines that all financial activity will stop, and that it will no longer receive contributions, make disbursements, or incur obligations;
2. It 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. It completes a request for termination -CF-13.

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

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

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



Wisconsin Ethics Commission

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(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.