

ORDER
OF
STATE ELECTIONS BOARD

To create ElBd. 1.655 relating to Source Identification in
Political Communications



ANALYSIS:

Statutory authority: ss.5.05(1)(f) and 227.11(2)(a)

Statutes interpreted: ss.11.01(16), 11.06(12), and 11.30(2), (4)
and (5)

This rule interprets ss.11.01(16), 11.06(12), and 11.30(2), (4) and (5), Stats. The rule provides that the source of any communication, including a telephone call, that has been paid for or with money raised for political purposes - except a bona fide poll or survey which does not expressly advocate the election or defeat of a clearly identified candidate or a vote at a referendum - must be identified during the course of, or at the end of, the communication.

Pursuant to the authority vested in the State of Wisconsin Elections Board by ss.5.05(1)(f) and 227.11(2)(a), Stats., the Elections Board hereby creates Rule ElBd.1.655 interpreting ss.11.01(16), 11.06(12), and 11.30(2), (4) and (5), Stats., as follows:

SECTION 1. ElBd. 1.655 is created to read:

**ElBd. 1.655 IDENTIFICATION OF THE SOURCE OF COMMUNICATIONS
PAID FOR WITH MONEY RAISED FOR POLITICAL PURPOSES**

(1) Definitions: as used in this rule:

(a) "Bona fide poll" means a poll which is conducted for the purpose of identifying, or collecting data on, voter attitudes and preferences and not for the purpose of expressly advocating the election, defeat, recall or retention of a clearly identified candidate or a particular vote at a referendum.

(b) "Communication" means any printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, telephone call, and any other form of communication that may be utilized by a registrant for the

SECTION 1. ElBd. 1.655 cont.

purpose of influencing the election or nomination of any individual to state or local office or for the purpose of influencing a particular vote at a referendum.

(c) "Political purpose" has the meaning provided in s.11.01(16), Stats.

(d) "Registrant" has the meaning provided in s.11.01(18m), Stats.

(e) "Source" means the individual who, or committee which, pays for, or the individual who takes responsibility for, a communication that is required, by s.11.30, Stats., to be identified.

(2) Pursuant to s.11.30(2)(a), Stats., any communication paid for with money that has been raised for political purposes must identify the source of that communication, subject to the following exceptions:

(a) The source identification requirements of s.11.30, Stats., do not apply to communications paid for by an individual who, or a committee which, is not subject to the registration requirements of s.11.05, Stats.

(b) A bona fide poll or survey under s.11.30(5), Stats., concerning the support for or opposition to a candidate, political party, referendum or a position on issues, may be conducted without source identification unless the person being polled requests such information. If requested, the person conducting the poll shall disclose the name and address of the person making payment for the poll and, in the case of a registrant under s.11.05, the name of the treasurer or the person making the payment.

(c) Incidental administrative communications need not identify their source if such communications are singular in nature and are not intended to communicate a political message.

(d) Communications for which reporting is not required under s.11.06(2), Stats., are not required to identify their source.

(3) When making communications requiring source identification, disclosure is not required to be made at any particular place within or time during the communication. In the case of telephone calls, or other audio communications, the required disclosure may be made at any time prior to the end of the call or other communication.

SECTION 1. ElBd. 1.655 cont.

(4) A registrant who conducts a bona fide poll must report the expense of conducting the poll on its campaign finance reports, whether or not the registrant is required to identify the source of that poll under s.11.30(5), Stats., and this rule.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

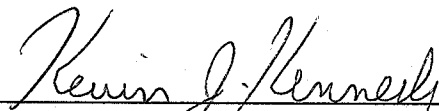
The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

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

Dated August 13, 1996



KEVIN J. KENNEDY
Executive Director
State Elections Board



State of Wisconsin \ ELECTIONS BOARD

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GREGORY PARADISE
CHAIRPERSON

August 13, 1996

Kevin J. Kennedy
Executive Director

Gary L. Poulson, Assistant Revisor
Revisor of Statutes Bureau
131 West Wilson Street, Suite 800
Madison, WI 53703

Dear Mr. Poulson:

This letter is to inform you of an error in the Board's Order regarding the creation and promulgation of Elections Board rule ElBd.1.655, contained within Clearinghouse Rule 96-028. Enclosed, please find a corrected copy of the order, which reflects revisions in the form, not the substance, of the rule. Also enclosed, for your convenience, is a floppy disk containing the corrected order.

As the Board previously notified you: the rule was promulgated pursuant to the 30-day notice procedure. No petition under ch.227, Stats., was filed with the Board within 30 days to request a public hearing on the proposed action regarding this rule. The Legislative Council reviewed and commented about the rule. Enclosed is a notice that this rule has been submitted to the presiding officer of each house of the legislature on May 1, 1996.

The Board, through its Executive Director, Kevin J. Kennedy, has ordered the appropriate action on this rule, which is reflected in the corrected order. The original and a copy of the Board's corrected order for the rule are enclosed.

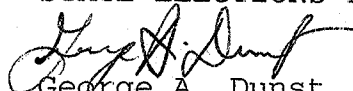
Please publish this at your earliest convenience to become effective according to their terms.

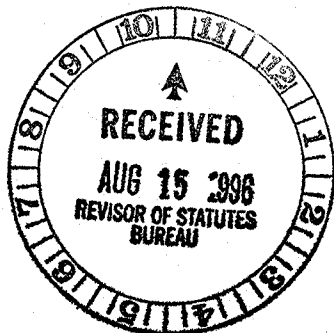
If you have any questions about the rule or the order, please contact me. The Board's counsel apologizes for the error and hopes that this has not caused too much inconvenience or confusion.

Thank you for your assistance.

Sincerely,

STATE ELECTIONS BOARD


George A. Dunst
Legal Counsel



GAD/dl

Enclosures