



State of Wisconsin
Ethics Commission

WI CAMPAIGN FINANCE: LOCAL CANDIDATE DUTIES AND PROHIBITIONS

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- CAMPAIGN FINANCE TERMS AND DEFINITIONS
- CONTRIBUTION LIMITS
- DUTIES
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DUTIES & REQUIREMENTS

- Registration (*see Local Candidate Committee Lifecycle Module*)
- Maintain current and accurate information in registration statement
 - Candidate committees must update their registration within 10 days following any change in information. [WIS. STAT. § 11.0203\(3\)\(a\)](#).
- File periodic reports, if not on exempt status (*see Local Candidate – Finance Report Module*)
 - Candidate committees must report all contributions, disbursements, loans, and incurred obligations during a specified time period.
- Maintaining records
 - Records must be maintained for 3 years from the date of the election in which the candidate participates. [WIS. STAT. § 11.0201\(4\)](#).



KEY TERMS AND DEFINITIONS: CONTRIBUTION

- What is a contribution?
 - Gifts, loans, or transfers of money to committee;
 - Example: An individual mails you or your committee a check for \$100.00.
 - Tangible personal property or services transferred to the committee;
 - Example: A friend buys stamps at the post office and gives them to your committee to use in mailing brochures (tangible personal property), or a friend who is a professional website developer volunteers to develop your campaign website free of charge (service).
 - These are in-kind contributions.
 - Transfer of funds between registered committees; or
 - Example: A registered PAC or another candidate committee writes your committee a check for \$500.
 - A ticket purchase for a fundraising event, or a sale of merchandise.
 - Example: When an individual buys tickets for an event held by a committee these are contributions.
 - Example: The committee has T-shirts or bumper stickers made and sells them to individuals. The entire amount of the purchase price counts as a contribution from the individual to the committee.



KEY TERMS AND DEFINITIONS: CONTRIBUTION

- Examples of things that **are not** considered contributions:
 - Volunteer services;
 - Costs of preparing and transmitting personal correspondence;
 - Interest earned on an interest-bearing account;
 - Rebates or awards earned in connection with a debit or credit card;
 - A loan from a commercial lending institution made in the regular course of business;
 - News stories, commentaries, editorials, etc.;
 - Reuse of surplus materials from a previous campaign, if materials previously reported as a contribution; or
 - The cost of invitations, food, and beverage *only if* it is held in a private residence on behalf of the candidate committee.

» Note: For a complete list of things that are not considered contributions, please see the list provided in [Wis. STAT. § 11.0101\(8\)\(b\)](#).



IN-KIND CONTRIBUTIONS

- In-kind contributions are goods, services, or property offered to the candidate's committee free of charge or at less than usual cost, or payment to a third party to purchase goods, services, or property on behalf of the candidate.
- When reporting in-kind contributions, use the fair market value of the good, service, or property.
- In-kind contributions must be itemized when they are reported, and they are added to contribution amounts received in monetary form (cash, check, or credit/debit) for the purpose of calculating contribution limits.
 - Example: Jane Smith provides your committee with \$50 in donated goods and a check for \$200, her total contribution for the purpose of determining compliance with contribution limits is \$250.

[Wis. STAT. § 11.0101\(8\)\(a\)2](#); [Wis. STAT. § 11.1109](#)



CONTRIBUTION LIMITS

- All candidates must abide by the contribution limits set for the office they are seeking and the population of the district in which they are seeking office. [WIS. STAT. § 11.1101.](#)
- Districts of 20,000 inhabitants or less have an individual limit of \$500 and a PAC limit of \$400.
- Districts with 300,000 inhabitants or more will have an individual limit of \$6,000 and a PAC limit of \$5,000.
 - » Note: The number of inhabitants in the jurisdiction or district is determined by the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer. [WIS. STAT. § 11.1101\(2\)\(h\)2.](#)



CONTRIBUTION LIMITS CONTINUED

- Districts with more than 20,000 but less than 300,000 inhabitants will have varying individual limits between \$500 and \$6,000, and PAC limits between \$400 and \$5,000.

Receiving Committee	From an Individual	From a Candidate Committee	From a PAC	From a Corporation/Union
Local Candidate	Greater of \$500 or \$0.02 times the population in the district Not to exceed \$6,000.	Greater of \$500 or \$0.02 times the population in the district. Not to exceed \$6,000.	Greater of \$400 or \$0.02 times the population in the district. Not to exceed \$6,000.	Prohibited



PERIOD FOR CONTRIBUTION LIMITS

When calculating whether contributions have exceeded the contribution limits, candidates need to be aware of the following applicable periods:

- For new candidates, the period is the date the candidate files a registration statement and ending the day before the winning candidate begins their term of office; or
- If the candidate is an incumbent, the period is the day the candidate assumed office and ends on the day before the winning candidate takes office.
 - » Note: There are not separate periods for the primary and general election. These periods run through both the primary and the general election.

[WIS. STAT. § 11.1103](#)



CONTRIBUTION LIMIT EXCEPTIONS

Candidates may accept some types of contributions in unlimited amounts:

- Contributions made by the candidate to their own campaign ([WIS. STAT. § 11.1104\(7\)](#));
- Contributions from a political party or legislative campaign committee ([WIS. STAT. § 11.1104\(5\)](#)); and
- Contributions used to pay legal fees and other expenses incurred in connection with a recount or petitions to recall an office.
 - 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\(9\)-\(10\)](#)).



KEY TERMS AND DEFINITIONS: DISBURSEMENT

- What is a disbursement?
 - An expenditure by the committee from the committee's depository account;
 - A transfer of tangible personal property or services by the committee;
 - Example: The candidate committee donates office supplies to another committee.
 - Transfer of funds to another committee; and
 - Example: Your campaign committee writes a check for \$100 to another local candidate committee.
 - Purchasing a ticket for an event for the committee, regardless of whether the ticket is used to attend the event.
 - Example: The committee purchases tickets to a dinner hosted by a PAC for the candidate and treasurer to attend.

[WIS. STAT. § 11.0101\(10\)\(a\)](#)



KEY TERMS AND DEFINITIONS: DISBURSEMENT

- Disbursements do not include any of the following:
 - A nominal fee paid for a communication to the general public;
 - News stories, commentary, editorials 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
 - A communication or 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 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.
 - » Note: For a complete list of things are not considered disbursements, please see the list provided in [WIS. STAT. § 11.0101\(10\)\(b\)](#).



KEY TERMS AND DEFINITIONS: OBLIGATIONS AND LOANS

- An obligation is an express agreement by the candidate committee to make a disbursement. This includes the following:
 - A loan or loan guarantee;
 - A promise to purchase, rent, or lease tangible personal property; or
 - A promise to pay for a service that has been or will be performed.
- Example of an obligation:
 - Your candidate committee needs pamphlets printed for canvassing. You go to your local printer and provide them with the template to be printed and are expected to pay when you pick up your printed pamphlets. This is an obligation that you have incurred.

[Wis. STAT. § 11.0101\(23\)](#)



DUTIES & REQUIREMENTS

ATTRIBUTION STATEMENTS (DISCLAIMERS)

- An attribution statement is required to be placed on all communications containing express advocacy to identify the person(s) who paid for and/or authorized the communication. [Wis. STAT. § 11.1303\(2\)](#).
 - Express advocacy refers to communications that clearly identify a candidate and relates to their election or defeat. [WIS. STAT.§ 11.0101\(11\)](#).
 - Some examples are:
 - Vote for, elect, support, Smith for ____ (elective office), vote against, defeat, reject.
 - Some common communications that require attribution statements: Yard signs, pamphlets about the candidate, television or radio advertisements, banners, email communications, and candidate websites.
- 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\(2\)\(f\)](#).



DUTIES & REQUIREMENTS

ATTRIBUTION STATEMENTS (DISCLAIMERS)

- When a communication is paid for by the candidate committee, the disclaimer must include the words “**Paid for by,**” followed by the committee’s name.
 - » “Paid for by Friends of Mary Smith.”
- Committees may choose to include the name of the treasurer, but this is *not* required.
 - » “Paid for by Friends of Mary Smith, James Jones, Treasurer.”
- If a communication is paid for by another in coordination with the candidate committee, both the person making the payment and the committee accepting the in-kind contribution should be listed.
 - » “Paid for by Citizens for Government, Authorized by Mary Smith.”



PROHIBITED CONTRIBUTIONS

- Candidate committees are prohibited from accepting certain types of contributions and contributions from certain persons.
- Candidate committees *shall not* accept:
 - Anonymous contributions of more than \$10 ([WIS. STAT. § 11.1108](#));
 - Contributions in cash of more than \$100 ([WIS. STAT. § 11.1107](#));
 - Contributions given in the name of someone other than the contributor ([WIS. STAT. § 11.1204\(1\)](#));
 - Contributions from corporations, associations organized under ch. 185 or 193, labor organizations, or federally recognized American Indian Tribes ([WIS. STAT. § 11.1112](#));
 - Contributions in excess of the limits (WIS. STAT. §§ [11.1101](#), [11.1204\(3\)](#)); and
 - Contributions from foreign nationals. [WIS. STAT. § 11.1208\(4\)](#).



PROHIBITED CONTRIBUTIONS

- If the candidate committee believes that a contribution may have been received from a potentially prohibited source, the committee should make a good faith effort ensure that the contribution is lawful. [WIS. STAT. § 11.1204\(3\)](#).
- If a committee accepts a prohibited contribution and includes it in the report for that reporting period, the statutes provide that if the contribution is then returned within 15 days after the filing deadline for the reporting period in which the contribution was received, there is no violation of contribution limits or sources. [WIS. STAT. § 11.1110\(2\)\(b\)](#).

Best practice – Do not accept any contributions if you cannot determine whether the contribution is lawful.



CONTRIBUTIONS FROM LICENSED LOBBYISTS

- Local candidate committees may accept personal contributions from lobbyists, provided that the candidate for local office is not currently holding a partisan state elective office. [WIS. STAT. § 13.625\(1m\)](#).
 - Example: Jane Smith is a candidate for county executive. She may accept contributions from licensed lobbyists, because she is a candidate for non-partisan office.
 - Example: Senator John Doe is a current legislator. He is also a candidate for mayor in his hometown. Senator John Doe may **not** accept any contributions from licensed lobbyists. Even though Senator John Doe is a candidate for a non-partisan office, he still holds a partisan state elective office, and therefore cannot accept lobbyist contributions.



AFTER THE ELECTION

- If you win, you must remain registered as a committee while you are in office. During non-election years, you may wish to go on “exempt status” – this means that as long as you have less than \$2,000 in activity per year, you do not have to file campaign finance reports. [Wis. STAT. § 11.0101\(1\)\(c\)](#).
- If you lose, and you wish to terminate your committee, you must make sure the committee has a \$0 cash balance, and \$0 in outstanding obligations and loans. If you wish to keep the committee active for a future candidacy, you may wish to go on “exempt status” so you do not have to file reports.
- For more information on exempt status and terminating a committee, please refer to the [Local Candidate Manual](#) or the Local Candidate Committee Lifecycle Training Module.



WHERE TO GET MORE INFORMATION

- [Local Candidate Committee Overview Manual](#) (2019)
- [Candidate Committee Overview Page](#)
- Wisconsin Ethics Commission website (<https://ethics.wi.gov>)
- Wisconsin Ethics Commission staff:
campaignfinance@wi.gov or (608)266-8123



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