

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE GERALD C. NICHOL
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: December 21, 2015

TO: Wisconsin Municipal and County Clerks
Milwaukee City and County Election Commissions

FROM: Kevin Kennedy
Director and General Counsel
Government Accountability Board

SUBJECT: New Campaign Finance Laws Effective January 1, 2016

On December 16, the Governor signed 2015 Wisconsin Acts 117 and 118 which make a number of important changes to campaign finance registration, reporting, and enforcement effective January 1, 2016, and replace the Government Accountability Board (“G.A.B.”) on July 1, 2016 with an Elections Commission and Ethics Commission. Campaign finance laws will be administered by the Ethics Commission. County and municipal clerks, as filing officers for local candidates, should be aware of these changes and where to find updated campaign finance forms and manuals as they become available.

Important information for filing officers:

- G.A.B. staff will be drafting new campaign finance forms and manuals and posting them on the G.A.B. website as soon as they are approved. Filing officers should check the website after January 1, 2016 for updates, and download new documents as needed. The new registration form will be called the ETHCF-1, and the new report form for local candidates will be the ETHCF-2L.
- Filing officers are no longer required to send reporting forms and filing notices via first class mail. Instead, you may direct filers to the G.A.B. website for the required forms, or if requested, provide them at no cost via email, fax, or mail.
- There are new procedures if a committee fails to file a registration form or report, or files a registration form or report with errors or discrepancies. In the past, clerks would contact the committee to get the issue corrected, and if the committee did not respond, the clerk could refer the matter to the County District Attorney’s office. The clerk should still contact the committee first, but if the issue is not resolved, you are now required to refer the matter to the G.A.B. (and after June 30, to the Ethics Commission), and the G.A.B. may transmit that information to the District Attorney.
- All PACs, Independent Expenditure Committees (IECs), conduits, and political parties will now register at the state level, even if they are only active at the county or municipal level. If you have the registration form for any currently active local PAC or IEC, please make a copy and forward the registration form to our office. You should also forward copies of any reports those committees file after 1/1/2016. Any questions about registration from a new PAC or IEC should be referred to the G.A.B.

- The deadline for filing campaign finance reports have changed. The next report is due **January 15, 2016**, not February 1.
- After June 30, 2016, the Wisconsin Ethics Commission will replace the G.A.B., and will administer campaign finance laws (2015 Wisconsin Act 118).
- The new statute spells out the duties of filing officers in Wis. STAT. §11.0102(3): **(3)** Each filing officer, other than the board, shall do all of the following:
 - (a) Obtain the forms and manuals prescribed by the board under s. 11.1304 (1) and (3) and election laws provided by the board under s. 7.08 (4).
 - (b) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.
 - (c) Make all of the following available, without charge, to any committee required to file reports or statements with the officer:
 1. Forms prescribed by the board for the making of reports and statements. The filing officer shall notify the committee that all forms are available on the board's Internet site. Whenever a filing officer sends a form or notice of the filing requirements under this chapter to the treasurer of a candidate committee, the filing officer shall also send a notice to the candidate.
 2. Upon request, copies of manuals under par. (a).
 - (d) The filing officer shall provide copies of manuals and election laws to persons other than a committee under par. (c) at cost.
 - (e) Notify the board, in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution. The board may transmit a copy of the notification submitted under this paragraph to the district attorney.
 - (f) Make available a list of delinquents for public inspection.
 - (g) Compile and maintain on an electronic system a current list of all reports and statements received by or required of and pertaining to each committee registered under this chapter.
 - (h) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received.
 - (i) Upon the request of any person, permit copying of any report or statement described under par. (g) at cost.
 - (j) Determine whether each report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter. The officer shall immediately send to any committee that is delinquent in filing, or that has filed otherwise than in the proper form, a notice that the committee has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the board shall send the notice to both the candidate and the treasurer of the candidate committee.

Major changes to campaign finance law:

- Registration thresholds have been increased. Candidate committees have to register before the candidate receives any contribution or makes any disbursement, and before the candidate files nomination papers or is nominated at a caucus. A referendum committee does not have to register until it collects or spends over \$10,000 in a calendar year. A recall committee has to register before it begins circulating recall petitions, per Wis. Stat.

§9.10(2)(d). A recall committee can claim “exempt” status, meaning it would not have to file reports, unless it collected or spent more than \$2,000 in a calendar year.

- The threshold for exemption has been increased. Previously, a committee (including a candidate committee) could claim exempt status and not have to file reports as long as it did not collect or spend more than \$1,000 in a calendar year, and didn’t collect more than \$100 from any other source (the candidate herself or himself could contribute up to \$1,000). Now a committee may claim exempt status if it does not collect or spend more than \$2,000 in a calendar year.
- Contribution limits have increased, and generally the previous limits have been doubled. For individuals giving to local candidates, the formula is 2 cents times the population of the district, with a minimum of \$500 and a maximum of \$6,000. For PACs giving to local candidates, the formula is also 2 cents times the population of the district, with a minimum of \$400 and a maximum of \$5,000.
- The timeline for filing reports are generally the same, with a candidate on the April ballot filing a Spring Pre-Primary, Spring Pre-Election, July Continuing, and January Continuing report. Candidates on the November ballot must file a July Continuing, Fall Pre-Primary, Fall Pre-Election, and January Continuing report. There is also an additional September Continuing report covering through the end of August and due on the 4th Tuesday of September. **The January and July Continuing reports will now be due on the 15th of those months.**
- Committees no longer have to provide employer name or employer address for contributions over \$100. If an individual contributes more than \$200 total in a calendar year, the report must list the individual’s occupation.
- Previously, committees did not have to itemize receipts of \$20 or less. Now, every contribution must include the name and address of the contributor. There is an exception for anonymous contributions of no more than \$10. A committee must itemize every disbursement exceeding \$20.
- An elected official is now allowed to form a second committee to pursue another office. The registration form and reports for the second office should be filed with the filing officer for that office. The statute uses the word “may,” so officeholders may still choose to have a single bank account, and report activity for both offices on a single report form, filed with both filing officers.

There are a number of other changes to registration and reporting, but they should only affect committees registering or reporting with the state. If you have any questions concerning the new law, please contact our campaign finance staff.

Richard Bohringer
Adam Harvell
Kyle Kundert

(608) 267-7735
(608) 267-9252
(608) 267-7890

richard.bohringer@wi.gov
adam.harvell@wi.gov
kyle.kundert@wi.gov