

# **Wisconsin Ethics Commission**

## **For state candidate committees**

### **Campaign Finance Report Filing Exemption**

#### **EXEMPTION**

A candidate committee of a candidate for state office can claim an exemption from filing campaign finance reports for one calendar year in some circumstances. On January 3, 2023, the law relating to exemption will change. The following information is effective on that date.

#### **ELIGIBILITY**

A candidate committee of a candidate for state office is not eligible for exemption during the calendar year of an election in which the candidate is appearing on the ballot or participating as a write-in candidate. Otherwise, a state candidate committee can claim exemption if the committee does not anticipate accepting or making contributions, making disbursements, or incurring obligations in an aggregate amount exceeding \$2,500 in a calendar year.<sup>1</sup> A state candidate committee can exceed this threshold based on contributions, disbursements, obligations, or a combination of those transaction types. For example, a committee that receives \$1,600 in contributions and makes \$1000 in disbursements in a calendar year has exceeded the threshold.

#### **CLAIMING EXEMPTION**

A state candidate committee may claim the one-year exemption by filing an amended registration statement with the Commission. The amended registration statement must be filed by the following deadlines:

- To be exempt for the calendar year after the year that the candidate appeared on the ballot or participated as a write-in, the amended registration statement must be filed between the day after the election and the January 15<sup>th</sup> immediately after the election. (NOTE: The committee is still required to file the January Continuing Report that is due immediately after the election. This is required so that all campaign-related activity will be reported and publicly available.)
- For a subsequent year that the candidate does not appear on the ballot or participate as a write-in candidate, the amended registration statement must be filed no later than December 31 of the year preceding the year in which the exemption will apply.

If a state candidate committee does not file an amended registration statement before the applicable deadline, the committee is not eligible for exempt status. It will have to file required campaign finance reports for the following calendar year.

#### **END OF ELIGIBILITY**

A state candidate committee is no longer eligible for exemption when it:

- Exceeds the \$2,500 threshold in the calendar year;<sup>2</sup>

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<sup>1</sup> [WIS. STAT. § 11.0104\(1\)\(a\).](#)

<sup>2</sup> [WIS. STAT. § 11.0104\(1\)\(c\).](#)

- Is dissolved;<sup>3</sup> or
- Is voluntarily revoked by the committee.<sup>4</sup>

## EXCEEDING THE THRESHOLD

If a state candidate committee is exempt from filing campaign finance reports and it receives a contribution that results in it exceeding the threshold, it has two options.<sup>5</sup> First, the state candidate committee can immediately amend its registration statement to indicate it is no longer exempt.<sup>6</sup> If it does this, it must file all required campaign finance reports for the remainder of that calendar year.<sup>7</sup> The committee can claim exemption again the next calendar year.<sup>8</sup> Second, the state candidate committee may return the contribution to the contributor or donate the contribution to the common school fund or a charitable organization.<sup>9</sup> This must be done no later than 15 days from the date on which the contribution is received.<sup>10</sup>

## WISCONSIN ETHICS COMMISSION'S DUTIES

Upon receipt of a properly executed registration statement or amended registration statement, the Commission shall suspend the requirement to file campaign finance reports.<sup>11</sup> If the Commission receives a registration statement or amended registration statement seeking to claim exemption, and the Commission knows the state candidate committee is not eligible for exemption, the Commission shall accept the registration statement.<sup>12</sup> The Commission shall then notify the committee within 10 business days that it is ineligible and is required to file campaign finance reports.<sup>13</sup> Commission staff may request the committee to file a new amended registration statement that does not claim exempt status or may make changes in the campaign finance reporting website to indicate that the committee is not exempt from filing reports. A candidate whose committee improperly claims exempt status cannot be denied ballot placement if the registration statement or amended registration statement otherwise complies with the legal requirements.<sup>14</sup>

## ADDITIONAL INFORMATION AND RESOURCES

This is a guideline adopted by the Wisconsin Ethics Commission. Guidelines are prepared to provide general information to the public concerning the laws within the Commission's jurisdiction. Guidelines are not the law. Legal authority can be found in Wisconsin Statutes, the Wisconsin Administrative Code, case law, and the Commission's advisory opinions. If you have additional questions, please contact the Wisconsin Ethics Commission staff by email at [CampaignFinance@wi.gov](mailto:CampaignFinance@wi.gov), or by phone at (608) 266-8123. Advice sought from the Ethics Commission is confidential. For additional information, please visit the Ethics Commission website: <https://ethics.wi.gov>.

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<sup>3</sup> *Id.*

<sup>4</sup> [WIS. STAT. § 11.0104\(3\)](#).

<sup>5</sup> [WIS. STAT. § 11.0104\(5\)](#).

<sup>6</sup> [WIS. STAT. § 11.0104\(5\)\(a\)](#).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> [WIS. STAT. § 11.0104\(5\)\(b\)](#).

<sup>10</sup> *Id.*

<sup>11</sup> [WIS. STAT. § 11.0104\(2\)](#).

<sup>12</sup> [WIS. STAT. § 11.0104\(1\)\(d\)](#).

<sup>13</sup> *Id.*

<sup>14</sup> [WIS. STAT. § 11.0104\(1\)\(e\)](#).