

Public Service Announcements

and other statements about governmental policies and processes

Government Accountability Board Statement of Policy

Wisconsin's Code of Ethics for State Public Officials encourages officials to meet with citizens to discuss legislative, administrative, executive, and judicial processes and proposals and issues initiated by or affecting a department or the judicial branch. [§19.56 (1), *Wisconsin Statutes*]. In significant respects, the production and dissemination of a public service announcement does not differ from writing a newspaper column, sending a letter to the editor, or appearing on a news broadcast on radio or television. Citizens often welcome their officials' participation in issues and causes of the day and the First Amendment to the United State Constitution protects officials and their messages from excessive government interference. Moreover, both the lobbying law and Ethics Code authorize an official to receive, for a published work or the presentation of a talk, actual and reasonable expenses paid or arranged by the event organizer or publisher of the work.

The Government Accountability Board also recognizes that the cost of the time, talent, facilities, and equipment related to producing a "public service announcement" as well as the value to an official of an announcement's dissemination by broadcast, cablecast, internet, print, or other medium may be substantial. Furthermore, an official's association with an announcement may benefit the official as a campaign advantage or otherwise; however, in many ways this is no different than an official's making other public appearances and participating in such events as ribbon cutting ceremonies or other civic ceremonies.

With these considerations in mind, the Government Accountability Board offers this guideline to elected state officials. For circumstances not covered by this guideline, an official should consult the Government Accountability Board directly.

Public Service Announcements concerning governmental processes, proposals, and issues

Any organization, even one that employs a lobbyist to affect Wisconsin's laws, may, consistent with the statutes that the Government Accountability Board administers, offer to and provide an elected state official with assistance with the writing, direction, recording, and dissemination (including donating time or space for the announcement's dissemination) of an advertisement, commercial, or announcement that discusses or interprets either governmental processes or a proposal or issue initiated by or affecting the legislature, the courts, or an office or agency of Wisconsin's government. [§§ 13.625 (7) and 19.56 (1) and (3)(a), *Wisconsin Statutes*]

This is a guide. For authoritative information consult Wisconsin Statutes.

Public Service Announcements concerning other matters of public concern

Any organization, even one that employs a lobbyist to affect Wisconsin's laws, may, consistent with the statutes that the Government Accountability Board administers, offer to and provide an elected state official with assistance with the writing, direction, recording, and dissemination (including the purchase of time for the announcement's dissemination) of an advertisement, commercial, or announcement that promotes or educates the audience about activities or services of a charitable organization or promotes a favorable view of or imparts information about a service, institution, issue, or cause generally regarded as serving community interests.

Airing public service announcements in an election year.

Within the five months preceding an election for a governmental office for which a state official will be a candidate, an official should not permit the use of his or her name or image or office in a "public service announcement".¹

Statements and announcements with a campaign purpose

If a statement or announcement advocates or has as its purpose influencing the nomination, election, defeat, recall, or retention of an individual to state or local office or vote at a referendum of a person, then the elected state official and the organization sponsoring the statement or announcement must, in addition to relying on this guideline, carefully account for the application of Wisconsin's campaign finance and election laws. For that information consult the Wisconsin Elections Division: 608-266-8005; gab@wi.gov.

¹ A cable operator could be found to have made an impermissible corporate campaign contribution if it broadcasts a public service announcement after the date for circulating nomination papers for election. (Election Board staff letters March 8, 1999; June 7, 1996; December 20, 1993).