

Wisconsin Government Accountability Board

*For state public officials, including legislators, legislative employees,
and individuals holding statewide elective office*

Advocating passage or defeat of a referendum

Officials accorded broad latitude to comment upon role of government and matters of public policy

Wisconsin's law accords governmental officials broad latitude to comment upon the role of government and matters of public policy; consequently, officials' comment on the wisdom and consequences of a referendum's passage is consistent with laws that the Government Accountability Board administers.

Actions independent of governmental resources

When acting without reliance upon governmental resources, a state public official may advocate the passage or defeat of a referendum¹ and may solicit money for a committee advocating the passage or defeat of a referendum as long as the official does not solicit money for this purpose from a lobbyist, from a business or organization that employs a lobbyist, or from a business or organization regulated by or doing business with an official's governmental office or agency or legislative committee.² §§13.625, 19.45 (3), *Wisconsin Statutes*]

Use of governmental resources to advocate passage or defeat of a referendum prohibited

A state public official may rely on governmental resources, including the services of state employees, to identify and provide information about a referendum's subject and the likely consequences of a referendum's passage or defeat only to the extent to which the official is acting in furtherance of his or her governmental duties; otherwise, a state public official should not use the services of governmental employees and other resources not normally available to anyone to advocate the passage or defeat of a referendum. A state public official may not use state resources to raise money for a committee advocating the passage or defeat of a referendum. [§§11.24 (1) and 19.45 (5), *Wisconsin Statutes*]

¹ See Judicial Conduct Advisory Opinion 06-1R, which advises judges there are limits on commenting on November 2006 referendum concerning death penalty

² However, a candidate's solicitation of money for a referendum committee could lead to a finding that the candidate received a coordinated expenditure from the committee, if the referendum committee's activity benefits the candidate's election. *Wisconsin Coalition for Voter Participation v. Elections Board*, 231 Wis.2d 670 (Ct. App. 1999)

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

Prepared by the Wisconsin Government Accountability Board, 212 E. Washington Ave, 3rd Floor, Madison, WI 53703 (608) 266-8005.

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Registration of political committees and reports of their receipts and expenditures

Direct questions about the need to register as a political committee or to report the receipt of contributions or expenditures to advocate for or against passage of a referendum to the Wisconsin Elections Division: 608-266-8005; gab@wi.gov.

“State public official” generally includes elected state officials, employees of the legislature and its service bureaus, the Governor’s appointees to positions in state government, and most positions in the unclassified civil service. For a more detailed accounting see §19.42 (13), Wisconsin Statutes)

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