

El. Bd. Op. 74-4 (Reaffirmed 3/26/08)

Summary:

Communications medium offering space to incumbent candidate for newsletter without printing statutory identification does not fall within regulation of campaign finance law. (Issued to James C. Coxe, August 6, 1974)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on March 26, 2008.

Opinion:

You state that the Grant-Iowa-Lafayette Shopping News, Platteville, Wisconsin, grants space to your opponent, Representative James Azim, for the purpose of writing a newsletter. You enclose a copy of this newsletter which relates to bridge and highway improvement projects in the area. No identification appears in the article as to the exact source thereof, other than the heading "JIM AZIM REPORTS." You allege that to the best of your knowledge such articles did not appear until recently.

You inquire upon these facts whether the article constitutes a violation of §11.30 (4), Stats.

It is the opinion of the board that the answer to your question is "no."

Section 11.30 (4), Stats., prohibits owners and persons with an interest in newspapers and other media from using such media other than as provided in chapter 11, Stats. However, an exception is granted for "fair coverage of bona-fide news stories, interviews with candidates or other politically active individuals, editorial comment or endorsement."

In view of constitutional prohibitions upon restricting freedom of the press, the exception under this subsection is to be broadly construed. The board finds no violation of the law by the publication of the aforementioned article.