

El. Bd. Op. 74-5 (Revised 6/9/08)

Summary:

Contributions by a candidate to his own campaign must be given to the candidate's treasurer like other campaigns. Contributions from a candidate's family members must be made from the family member's funds. (Issued to Richard C. Kelly, August 28, 1974)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was revised to delete language specifying limits on a candidate's contributions to their own campaign that were removed from statutes by 1977 Wisconsin Act 107. The opinion below was reaffirmed by the Government Accountability Board on June 9, 2008 and fully incorporates the revisions directed by the G.A.B.

Opinion:

A candidate may not spend money directly on his own campaign. All money and other contributions of a candidate must be given to the candidate's campaign treasurer. This person may be the candidate himself or any other elector. §11.10 (l), Stats.

You also ask about the requirements for:

- a. Contributions from the candidate's spouse.
- b. Contributions from the candidate's children.
- c. A gift by the candidate of money to a friend or relative who then contributes the money to the candidate's campaign.

The controlling provision here is §11.24 (l), Stats., which restricts the "laundering" of political contributions:

11.24 UNLAWFUL POLITICAL CONTRIBUTIONS.

(l) No person may, directly or indirectly, make any contribution other than from funds or property belonging to the contributor. No person may, directly or indirectly, furnish funds or property to another person for the purpose of making a contribution in other than his own name. No person may intentionally accept or receive any contribution made in violation of this subsection.

Using this subsection, if a candidate's spouse gave a contribution to the campaign, it must be made from the funds or property of the spouse, or from joint property. Although there may be some question as to whether a contribution from joint property would be permissible if one spouse had already contributed, a prohibition on such contributions would effectively deny the right of the spouse of a candidate to make a contribution if the spouse had little property which was not held jointly. Contributions from a candidate's son or daughter would also be permissible if the property or funds belong to that person rather than to the parents. Although there is no distinction as such between minor and adult children, it is likely that adult children may have the means to make such a contribution while minor children may not, unless such minors have a source of income

independent of their parents. Lastly, it is clear that if a candidate gives money to a friend or relative who then makes a contribution to the candidate, this violates section §11.24 (1), Stats., if it is even impliedly understood that the recipient of the candidate's gift is to re-transfer the money. Such transfers therefore would be cause for suspicion, unless it can be shown that a gift by a candidate would have happened in the normal course (for example, a small birthday gift by a relative).