

El. Bd. Op. 76-14 (Revised 6/9/08)

Summary:

Disclaimers; Political Advertising: Roadside billboards carrying political advertisements must carry disclaimers readable from the road; the party designing, printing and erecting such billboard and the source of the advertisement are each subject to the disclaimer requirement. §11.30 (2), Stats. (Issued to Sandra Hafenbraedl, September 16, 1976)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was revised to remove portions of the opinion relating to the liability of communications media providers. 1979 Wisconsin Act 328 exempted communications media from liability if they relied on the person who placed the advertisement's assertion that the disclaimer was inapplicable. §11.30(2)(i), Stats. 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:

The statements required to be affixed to political communications by this section will be referred to collectively as a "disclaimer." In your first two questions, you ask whether a roadside billboard is required by §11.30 (2) to carry a disclaimer which is readable from the road.

Section 11.30 (2) requires that the source of all political communications "clearly appear thereon." That language indicates a legislative intent to require that a disclaimer be readable by those exposed to a political communication.

In addition, a disclaimer provides those exposed to a political communication with information which is significant for several reasons. Among them are: (1) The information aids the public in understanding the relationship between particular candidates and organizations and understanding the public positions taken by a candidate or organization, (2) The information aids the public in determining the weight that should be accorded a political communication, (3) The information protects a candidate from association by the voters with groups with whom he should not be associated and ideas which he does not espouse.

In the light of the apparent purposes of the statute and the statutory language requiring that the source "clearly appear" on the communication, the Board is of the opinion that a billboard alongside a road should carry a disclaimer which is readable from the road.