

El. Bd. Op. 76-4 (Revised 5/5/08)

Summary:

All statements and reports required by ch. 11, Stats., to be verified may be sworn to before a town, village, city or county clerk or their respective deputies, if any. (Issued to John C. Oestreicher, February 18, 1976)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was revised to reflect statutory changes subsequent to the opinion's issuance that removed the requirement of a sworn statement for campaign registration statements and financial disclosure reports. 1985 Wisconsin Act 303; 1979 Wisconsin Act 328. The opinion below was reaffirmed by the Government Accountability Board on May 5, 2008 and fully incorporates the revisions directed by the G.A.B.

Opinion:

You have requested the Board's opinion whether the oath of independent disbursement §11.06(7), Stats., and Wisconsin Election Campaign Fund grant application §11.50(2)(a), Stats., may be sworn to before a town, village, city or county clerk or his deputy or only before a notary public.

Section 887.01 (1), Stats., provides: "WITHIN THE STATE. An oath or affidavit required or authorized by law...may be taken before any ...notary public, town clerk, village clerk, city clerk ... county clerk or his deputy within the territory in which such officer is authorized to act.... "

Therefore, it is the Board's opinion that the oath of independent disbursement §11.06(7), Stats., and Wisconsin Election Campaign Fund grant application §11.50(2)(a), Stats., may be sworn to before a town, village, city or county clerk or their respective deputies, if any, as well as before a notary public.