

El. Bd. Op. 76-5 (Reaffirmed 10/6/08)

Summary:

Section 11.16 (2), Stats., is not violated by payroll deduction plan if corporation supplies fund with list of contributors and amounts contributed. Corporation may transmit total payroll deduction in the form of a corporate check if list of names of contributors and amounts contributed is provided to fund. (Issued to Richard S. Gallagher, February 18, 1976)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on October 6, 2008.

Opinion:

You have requested the Board's opinion whether §11.16 (2), Wis. Stats., providing that all contributions in excess of \$50 must be made by negotiable instrument would be violated "by a payroll deduction plan so long as no single payroll deduction exceeded \$50 and so long as the corporation provided its segregated fund committee with a list of the individuals for which it was acting as agent in transmitting amounts to the committee pursuant to the payroll deduction plan."

It is the Board's opinion that it would not. The purpose of §11.16 (2), Stats., is to prohibit large anonymous contributions and to provide a tracing mechanism so that the identity of large contributors can be discovered. This purpose is achieved by the record kept by the corporation of the employees who contributed to the fund through the payroll deduction plan.

You also ask whether "in the case of a corporation which is unable or does not wish to reprogram its computer or other payroll operations to permit automatic payment into the committee's account, such corporation may transmit the total payroll deductions in the form of a check of the corporation to the committee, along with a list of the names of contributors and the amounts attributable to each."

It is the Board's opinion it may. In such instance, the corporate check merely represents the total contributions deducted from the corporation's employees' paychecks and is a convenient way of transmitting such contributions. The list of the names of contributors and the amounts contributed is sufficient to enable the committee to ascertain the identity of the contributors and the amounts of the contributions made by each.