

El. Bd. Op. 76-7 (Revised 6/9/08)

Summary:

Campaign funds may be utilized only for political purposes as defined in §11.01 (16), Stats. (Issued to Tim Cullen, March 17, 1976)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was revised to make it clear that campaign funds can never be used to supplement a legislator's office allowance. 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:

You indicate that you wish to send out a constituent questionnaire the cost of which may cause you to exceed your biennial office allowance and request the Board's opinion on the following questions:

“Can any general office expense be paid for out of funds received as political contributions? Can the printing and postage costs incurred in mailing a constituent brochure be paid for out of campaign funds? Can the postage incurred in mailing state road maps to constituents be paid for with campaign funds? If any of the above are permitted does the amount spent count toward the \$16,000 spending limit if spent in a non-election year?”

Section 11.25(2)(a), Stats., states: “No person, committee, or group may make or authorize a disbursement or the incurrence of an obligation from moneys solicited for political purposes for a purpose which is other than political, except as specifically authorized by law.”

Section 11.01(16), Stats., states: “An act is for 'political purposes' when by its nature, intent or manner it directly or indirectly influences or tends to influence voting at any election. Such an act includes support or opposition to a person's present or future candidacy or to a present or future referendum....”

Therefore, as regards your first three questions, the answer is “no” to each of them unless the “general office expense,” “printing and postage costs incurred in mailing a constituent brochure,” and “postage costs incurred in mailing state road maps to constituents” constitute acts done for a political purpose.

If the activities were done for political purposes, however, they would run afoul of §11.36(1), Stats., which reads: “No person may solicit or receive from any state officer or employee . . . any contribution or service for any political purpose while the officer or employee is engaged in his or her official duties . . .” If any of your or your staff's time was spent on work which was done for a political purpose, you would violate §11.36(1), Stats.

Therefore, you cannot use campaign funds to supplement your office allowance without violating either §11.25(2)(a) or § 11.36(1), Stats.

No opinion will be rendered regarding your last question on disbursement limitations since the Board believes it inadvisable to do so in view of the uncertainty created by the U.S. Supreme Court decision in Buckley v. Valeo decided January 30, 1976.